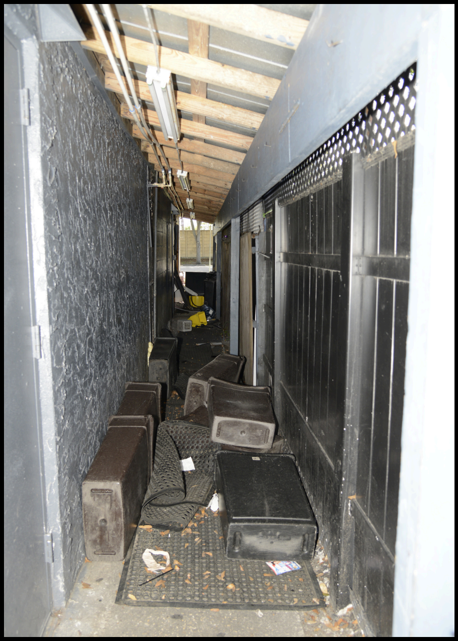
OrlandoUnited



Preventable Failures

A New Critical Incident Review of the PULSE Nightclub Shooting

Preventable Failures: A New Critical Incident Review of the PULSE Nightclub Shooting

PULSE Families and Survivors for Justice

Public Version; Updated and Expanded
07.24.2026

This report is intended to inform public discussion on matters of significant public concern. It contains factual reporting drawn from cited sources, together with the authors' analysis, interpretations, and opinions based on those disclosed facts. Statements of opinion, commentary, and reasonable inferences are constitutionally protected speech and are not intended to imply the existence of undisclosed facts. Every effort has been made to accurately present the evidence, and readers are encouraged to examine the cited materials and form their own conclusions.

Summary

This report is the product of over a decade of sustained effort by victims' families, survivors, victim and community advocates seeking accountability in the aftermath of the PULSE nightclub shooting. It reflects more than 10 years of grassroots organizing, seven years of ongoing public records research, and extensive engagement with affected individuals, subject-matter experts, government institutions, and nongovernmental organizations.

Our goal in coming together as PULSE Families and Survivors for Justice has always been to identify, acquire, document, and organize evidence pertaining to:

1. the fact that PULSE operated illegally as a nightclub in violation of its approved use under its conditional use permit and violated the restrictions placed on the business by the City of Orlando's Municipal Planning Board;
2. the unpermitted renovations and code violations at PULSE that hindered escape and rescue on June 12, 2016, including a crime scene photo of a blocked exit the City had in its possession but denied existed;
3. how the first responding officers failed to follow Active Shooter Protocol, the City of Orlando lacked an Active Shooter Policy, and the City and other government agencies lied to the public about the police response;
4. the onePULSE Foundation's fraudulent activities, conflicts of interest, and financial mismanagement;
5. the City of Orlando's cover-up of the facts and coordinated efforts to mislead the public.

The purpose of this report is to compile all that we have uncovered over the years into a single resource that provides a clear and accessible narrative for public review. Our goals are to:

1. Ensure transparency
2. Facilitate public oversight and accountability
3. Provide a structured evidentiary record that can be evaluated by policymakers, journalists, legal professionals, and the broader community
4. Preserve evidence, witness testimony, institutional records, and survivor experiences in a durable document before additional information is lost, destroyed, forgotten, or misrepresented over time.

Much of the information contained in this report has been obtained through public records requests, independent analysis, and firsthand (eyewitness) accounts. This work remains ongoing, as additional records are being sought for review and analysis. Updates to this report will be published as necessary on our website's blog, https://www.pulsefamilies.com/records.

The findings in this report are grounded in documentary evidence, sworn testimony, public records, contemporaneous communications, media archives, and corroborated first-hand accounts—not speculation or conjecture. A central finding of this report is that many of the most consequential issues surrounding PULSE—including code compliance, unpermitted renovations, regulatory failures, and the impact of the building's physical conditions for escape and rescue—were never meaningfully investigated by the relevant government authorities.

This report is not intended to substitute for a formal, independent law enforcement investigation. Rather, it exists because such investigations have been limited, incomplete, institutionally compromised, or, in key respects, absent. In the absence of a comprehensive, independent, and transparent inquiry by official government agencies, the responsibility to compile and examine the available evidence has, in practice, fallen to members of the public—particularly those most directly impacted. That this level of investigative responsibility shouldered by the victims' families and survivors reflects a profound failure of the systems intended to serve them and the public.

This report emerges within a broader context in which high-profile failures of accountability at local, state and federal levels have raised legitimate public concerns about the consistency, independence, and rigor of investigative and prosecutorial processes—particularly in cases involving powerful institutions or individuals and mass violence. Notably, the Epstein coverup, failure, and resulting 2026 New Mexico Survivor's Truth Commission, as well as the Uvalde coverups, which have included lying about the police response, fabricating the roles of key witnesses like Amy Franco, and concealing evidence to do so. We use the term "cover-up" to describe not only alleged concealment of regulatory and institutional failures preceding the attack, but also broader efforts to control public narratives, marginalize survivor testimony, and redirect public attention away from unresolved accountability issues in the ten years that followed the PULSE shooting.

Methodology and Evidentiary Approach

The findings presented in this report are based on a combination of (1) public records obtained through formal requests, including emails, permitting documents, and official reports; (2) previously released materials such as court records, media reporting, and agency disclosures; (3) firsthand accounts from victims' families, survivors, and individuals with direct knowledge of the PULSE Nightclub and relevant events; and (4) information provided by whistleblowers, some of whom have offered to identify themselves to law enforcement for a legitimate investigation and others we have identified due to their broken promises to join us and come out publicly on their own.

Survivors and victims' families possess direct experiential knowledge of the nightclub's physical conditions, blocked exits, police response, rescue obstacles, and institutional aftermath, making their testimony an essential evidentiary component rather than a peripheral consideration. To date, no official law enforcement agency has ever interviewed them systematically and comprehensively about their experiences with these conditions.

All conclusions made in this report are supported by documentary evidence and cross-referenced across multiple sources. In instances where information is derived from witness accounts or whistleblower disclosures that have not yet been independently verified, such information is presented as allegation or testimony and is included for the purpose of identifying areas warranting further investigation that only an agency with subpoena power would be able to do. Analytical conclusions are drawn from the totality of the available evidence and are distinguished from underlying source material where appropriate. Many of the failures documented in this report appear systemic rather than isolated, involving breakdowns in regulatory oversight, investigative rigor, evidence preservation, interagency accountability, and public transparency.

If local, state, and federal agencies believe that the documented conduct outlined in this report does not meet the threshold for criminal investigation or prosecution under existing law, then that outcome raises a broader policy question—namely, whether current legal frameworks adequately address failures in public safety, regulatory enforcement, and government transparency. Where gaps exist, they should be examined, and where necessary, laws should be strengthened to ensure meaningful accountability for both private actors and public officials. Considerations must include, but are not limited to, issues related to negligence and duty of care, the adequacy of public records and transparency laws, the enforcement of ethics and conflict-of-interest standards, and the processes by which government accountability is reviewed and enforced. Thus, this report is intended not only to support future investigative and legal review, but also to inform policymakers and the public as they evaluate needed reforms related to regulatory enforcement, investigative oversight, public transparency, victims' rights policies, and institutional accountability.

Summary of Evidence and Findings by Entity

The following sections present the key findings of this report, organizing the available evidence by entity to facilitate public review and independent evaluation:

(1) **Barbara and Rosario Poma**, owners of the PULSE Nightclub in Orlando, Florida for operating a nightclub in violation of its approved use and making illegal renovations to the building. These illegal renovations included walling over required windows, blocking exits with appliances and an unpermitted fence, building an illegal second floor, creating narrow hallways, adding an unpermitted dance floor, and other violations of Building and Life Safety Codes which hindered the escape and rescue of the PULSE nightclub victims and survivors during the mass shooting that took place on June 12, 2016. In addition, the Pomas reportedly received $1.3M for a total loss from the insurance company and then years later sold the property to the City for $2M. Appraisals provided by the City of Orlando show that Rosario Poma provided false information about the nightclub property, with appraisers giving the property an inflated appraised value. And, finally, the nonprofit the Pomas founded—the onePULSE Foundation—personally enriched them while the nonprofit mishandled state and federal grants and misled donors.

(2) **The City of Orlando and the Office of the Mayor**:

- The City's own records, coupled with allegations made by the City's own Commissioners, suggest coordinated efforts to conceal and obscure permitting and code violations with the nightclub to keep the facts from the victims' families, survivors, and the public. This includes City officials from the Office of the Mayor making false and misleading written statements to their own City Council members, which appears to be a violation of Florida's False Official Statements Law § 837.06.

- Public records point to the City's incompetence, negligence, selective enforcement, and providing the Pomas with preferential treatment over the years that allowed them to avoid following the law and installing required life-safety measures. The City allowed the capacity allotment on the building to rise from 75 to over 400 without the Pomas ever increasing the square footage of the building. The City also never brought the building into compliance for over a decade—despite known violations. There was a long relationship with the Office of the Mayor and the Pomas, going back at least 12 years prior to the shooting. The Pomas even operated a restaurant in City Hall and were involved in other business with the City.[1]

- Orlando Commissioner Shaniqua Rose who worked for the City and was fired prior to becoming an elected official alleged that the Mayor's Chief of Staff and former Director of Permitting Services called into the Permitting office right after the mass shooting and told them to wipe the server to destroy PULSE permitting records. Another whistleblower who was a former onePULSE executive alleged that Barbara Poma, years after the shooting, admitted to her nonprofit Board that everything revealed about the illegal renovations, no permits, and non-compliance issues were true and the Pomas only had to make a call to the City and those issues would disappear. That call, allegedly, was to the same person in the Office of the Mayor who ordered the City's backup server wiped.

- The City also failed to disclose to the FBI and to the public that the PULSE building plans it distributed were unpermitted plans and did not actually reflect the actual layout of the building (showing a room that didn't exist, omitting stages, and showing windows when, in fact, they were actually walled over).

- In apparent efforts to silence and discredit a victim advocate, the City of Orlando enlisted local law enforcement to issue a Crime Stoppers bulletin stating that the advocate had "negative feelings towards onePULSE," raising concerns about intimidation and the chilling of protected speech. In 2025, Mayor Buddy Dyer even publicly referred to this advocate as a "second terrorist" of PULSE during a press conference and again during a City Council meeting—after publicly calling for the Mayor's Chief of Staff to resign for her role in spreading misinformation.

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[1] See emails, Rosario Poma and Frank Billingsley, December 1, 2010, Subject: broc-Swan; December 12, 2016, Subject: Restaurant space; City of Orlando. Also see emails from October 24, 2016, Subject: Permit at Wildside, City of Orlando.

(3) **Former Orlando Police Department (OPD) Chief John Mina** (now Orange County Sheriff) deliberately concealed facts that OPD officers failed to follow Active Shooter Protocol to protect the City and his officers from legal liability. Mina also made numerous false statements to the public, spreading disinformation about the police response.

(4) **The Actions of Responding Officers**, including Detective Adam Gruler (who was supposed to be providing security at PULSE on June 12, 2016) and Officer Ann Mislang (who officers claim would not immediately make entry despite having a long gun), and their failure to follow Active Shooter Protocol. Independent analysis shows that police did not enter the PULSE nightclub for roughly 9 minutes after the shooting started and only after the shooter's assault rifle jammed and he fled into the bathroom. Ballistics investigations have also been inadequate, as they have relied upon insufficient evidence and an inconclusive FBI analysis. The secret removal of a bullet by former Director of the Orange County Regional History Center also calls into question the voracity and completeness of any ballistics investigation.

(4) All other individuals in the City who colluded and conspired in the cover-up or otherwise lied to the public. For example, evidence shows that former OPD Lt. Jim Young made statements to the public that are not supported by available records, which shielded the Pomas from collective public scrutiny.[2] At the five-year mark, when our voices were amplified after learning that responding officers did not have access to building plans of PULSE and had to draw the building's layout on a piece of paper wet with Officer Timothy Stanley's sweat during the police response to locate trapped victims, Lt. Young stated publicly that he drew and texted layouts of PULSE to responding officers. However, when asked for these texts through a public records request there were no responsive records.[3] Absolutely no evidence of this exists in any other records and no officers or investigators refer to such texts from Young in any interview or reports.

(5) All those behind the now dissolved **onePULSE Foundation**, who collectively pocketed millions of dollars over years while misleading donors, Orange County, and the public. The Foundation and its executives collected donations but never fulfilled their changing mission statements and failed to deliver on the promises of a $100M memorial-museum campus. For seven years, they never even broke ground on a PULSE memorial, museum, or Survivors Walk despite publicly claiming these capital projects were always progressing. The Board of the nonprofit was comprised of well-known billionaires and multi-millionaires, stemming largely from Orlando's tourism industry. The Board appears to have failed to fulfill its fiduciary obligations by not acting with the level of care, loyalty, and oversight expected of nonprofit directors. Those actions warrant independent review and consideration of whether individual board members should be held accountable under applicable law.

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[2] Young, who is openly gay, claimed to have been longtime friends with the Pomas. "I knew the Pomas before they even opened that club. I used to work off duty at that club." See, https://www.wesh.com/article/one-year-later-orlando-stronger/10014262 and https://www.wesh.com/article/pulse-orlando-strong/8491375.

[3] Request 21-5779. City of Orlando.

The Context of this Report

The following pages present the evidence in a clear and accessible format—filling critical gaps in the information released by the City of Orlando and through prior law enforcement investigations. Evidence includes:

1. previously undisclosed public records (including email correspondence and documents);
2. information provided by City of Orlando whistleblowers and former onePULSE Foundation employees;
3. reports, police body camera footage, photos, audio recordings, and documents we had to fight to get with redactions removed;
4. firsthand accounts from victims' families, survivors, and City workers; and
5. media reports.

Every effort has been made to ground this report's findings in verifiable records, corroborated testimony, and documented evidence.

By dedicating a decade of our lives to this project, we were uniquely able to analyze emerging evidence over time, slowly and carefully piece together the facts, and engage with families, survivors, and others in the PULSE-affected community to fill in the gaps in the official record where they existed.

We initially drafted this report specifically for the Office of State Attorney Monique Worrell as the next step in our collective effort for accountability and justice through the criminal justice system. Since 2016, we have followed the proper procedures required by the criminal justice system and that system has, so far, failed us.

In 2023, after years of seeking justice through various forms of public protest and engagement, the families of victims took a significant step. On Mother's Day, mothers of murder victims travelled from around the world to hold a press conference on the steps of Orlando City Hall, calling openly for a criminal investigation into the onePULSE Foundation, the City of Orlando, and PULSE Nightclub owners.

love is
love is
love is
Juan
One Heart One Pulse
WE DEMAND
A CRIMINAL
INVESTIGATION
AND FULL
CONTROL OVER
ONEPULSE!
#49Questions
#NoPulseMuseum

May 14, 2023, Mother's Day Press Conference at Orlando City Hall: Christine Leinonen, mother of murdered PULSE victim Christopher Andrew Leinonen, speaks out against the City of Orlando, the PULSE Nightclub, and the onePULSE Foundation. Multiple mothers of victims' spoke out and called for criminal investigations—in both Spanish and English. (Source: *Central Florida Public Radio*).

After the press conference, the mothers, accompanied by survivors and deceased victims' families, walked to the Office of State Attorney Monique Worrell to demand action and plead for her help. They were told by the Office that a criminal investigation can only be opened if they went through the "proper channels," which meant submitting criminal complaints to the Orlando Police Department—the law enforcement branch of the same institution survivors and families wanted criminally investigated. This did not seem to make sense, but despite the glaring conflict of interest, this was presented as the only way forward. The mothers and survivors had no other option than to trust the direction of the local law enforcement officials who were elected to serve them.

POLICE
NOPE
Not Today

PULSE Families and Survivors File Criminal Complaints with OPD: Throughout the months of August, September, and October 2023, victims' families and survivors filed criminal complaints with the OPD regarding the onePULSE Foundation, the PULSE Nightclub, and the City of Orlando. The resulting "investigation" did not address all complaints filed and lacked investigative rigor. (Source. *New York Times*).

Not deterred, over 30 survivors and victims' family members filed police reports with the Orlando Police Department (OPD) hoping to trigger an official investigation.

When we saw the results of that investigation the following year, it became clear to us that OPD failed to conduct a legitimate investigation into itself and its former employers, the Pomas. As we expected, the OPD delivered a deficient, perfunctory investigative report, the following year, which cleared the Pomas of criminal charges without a proper investigation and despite clean conflicts of interest. So, we understood we had to compile the evidence ourselves if we were to have any chance at getting justice and accountability for our 49 loved ones who were murdered, the dozens of us who were injured, and the hundreds of us who survived.

As noted in the OPD's "investigative" report: **"…there is no statute of limitations as a prosecution for a felony resulting in death may be commenced at any time."** This is stated in statute 775.15(1) of

Florida law.[4] While there is no statute of limitations for our allegations against Barbara and Rosario Poma, there is a statute of limitations for criminal charges against those behind the onePULSE Foundation, who may have already destroyed important financial and organizational documents. Despite years of publicly calling for a forensic audit and submitting formal written complaints to local, state, and federal agencies, the onePULSE Foundation may still evade consequences for charitable fraud. Furthermore, City officials who have escaped accountability for years have only become empowered to continue abusing and harming our families and survivors with impunity, while using taxpayer dollars to fund the creation of press releases and public events that falsely portray unity between those directly impacted by the PULSE tragedy and the City officials.

In June 2025, we completed a very rough draft of this report, as we were rushed to hand this document over to authorities during scheduled meetings in downtown Orlando. On June 12, 2025, we provided this earlier version of this report to the Office of the State Attorney for the Ninth Judicial District. A group of survivors and family's hand-delivered a printed copy of the report to Worrell's office. Earlier that day, we also provided a copy to the Federal Bureau of Investigation (FBI), whose case surrounding PULSE remains open as of the writing of this report.

Now, more than a year later (and more than 10 years after the shooting), we have waited and have exhausted options with our law enforcement agencies who continue to fail to conduct a proper, full, and independent investigation. We now have a decade-long record of filed lawsuits, formal written complaints, press conferences, and public protests in our pursuit of accountability and justice. To date, we have never been credibly interviewed about our experiences or our knowledge. A legitimate, official, and independent investigation has never been initiated or completed. As recently stated by U.S. attorney for the Southern District of Florida in reference to the indictment of Raúl Castro, Jason Reding Quiñones, "The passage of time does not erase murder. It does not diminish the value of those lives. And it does not weaken our commitment to the rule of law." The same should apply to PULSE.

For these reasons, after the 10-year mark, we are making this information available to the public. It is our hope that informed public awareness will prompt meaningful scrutiny, encourage responsible action by relevant institutions, and contribute to a path forward grounded in transparency and accountability. Transparency without accountability is insufficient. The facts surrounding PULSE deserve independent examination, honest evaluation, and meaningful action—regardless of how much time has passed.

TRAUMA WARNING: This report concerns mass violence, death, and institutional failures surrounding the PULSE nightclub shooting. It contains disturbing images, descriptions, and evidence. The disclosure of this material is necessary, as years of censorship, selective redaction, delayed disclosures, and tightly controlled public narratives have only served to obscure the full scope of what occurred and hinder meaningful public understanding and accountability.

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[4] See, page 21 of Investigative Report for OPD Case Number 2023-00205852 (Appendix A) and Florida Statute 775.15(1), here: http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0775/Sections/0775.15.html

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Introduction

Investigatory Timeline

On June 12, 2016, the deadliest mass shooting in U.S. history at the time unfolded at PULSE Nightclub in Orlando, Florida. Forty-nine people were murdered, dozens more were injured, and hundreds of survivors were forever marked by the trauma of that night. In the aftermath of this horrific tragedy, the community grieved while federal and state authorities launched several investigations. None of those investigations looked into the allegations we have raised against the PULSE owners and their nightclub, the City of Orlando, and the onePULSE Foundation.

The immediate and ongoing FBI investigation, from what we understand, has focused on terrorism and the actions of the shooter, his wife, and his father. To date, this still-open case has resulted in a lawsuit against the shooter's wife, where she was acquitted on all counts of obstruction and providing material support to a terrorist organization.

About a month after the shooting, a subsequent review of the police response was requested by former Orlando Police Chief John Mina. To conduct this assessment, Mina sought out the Police Foundation—a nonprofit organization that works closely with law enforcement agencies and had only recently gone into the business of conducting reviews of high-profile crimes in the United States. The resulting report, *Rescue, Response, and Resilience*, was completed in 2017—prior to the completion of a comprehensive evidentiary record—and has at times been mischaracterized as a United States Department of Justice (DOJ) "investigation" by Orlando City officials and even federal agencies

However, the DOJ's role was limited to funding the project and facilitating its publication; the report itself was authored entirely by individuals employed by the Police Foundation, not the DOJ.[5] This distinction is further reinforced by a disclaimer included in the report, which states that the findings and opinions expressed are those of the authors and do not necessarily reflect the official positions or policies of the DOJ.

Through our own request for public records in 2024, we were told by the DOJ that the agency did not access or independently review the underlying evidence and data collected by the Police Foundation that informed the conclusions of their report. By that time, the Police Foundation claimed to have destroyed that data. The Police Foundation's assessment, therefore, should be understood as an externally produced, law enforcement–aligned review rather than an independent federal investigation. Its scope, methodology, and conclusions must be evaluated in that context, particularly given the absence of a fully developed evidentiary record at the time it was conducted and completed. The report itself reads more like a public relations narrative than an investigative one, reflecting the methodologies used by its authors, which heavily relied on focus groups with the Orlando Police Department.

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[5] In 2022, the Police Foundation changed its name to the National Policing Institute. https://www.policinginstitute.org/

While this review was underway, the Florida Department of Law Enforcement (FDLE) conducted an Internal Use of Force Investigation that was a true investigation. This investigation, however, was limited in scope and did not investigate the shooting itself, compliance issues with the nightclub, or the City of Orlando's negligence. The FDLE's investigative report was completed in 2019—more than a year after the Police Foundation's after-action review. We gained access to the FDLE's report on October 28, 2019, through Public Records Request No. 19-7827 made with the City of Orlando. The report and its corresponding case files were never released to the general public, such as on the City's Pulse Tragedy Public Records website. To date, the FDLE's report is the only investigation that contains sworn testimony from responding officers. These interviews contain critically important first-hand accounts by responding officers and should have been made readily available to the public.

The State Attorney's Office for the Ninth Judicial District, then under State Attorney Aramis Ayala, conducted a "shoot review"—a standard, limited investigation that was confined, by its own terms, to whether police shot civilians during the response. Police inaction, code violations, unpermitted renovations that hindered escape and rescue, life safety issues, the City's role in the nightclub's noncompliance, or other failures fell entirely outside its scope.

Of all the investigations that were done, none addressed the issues we raise in this report.

Then, between 2023 and 2024, the OPD conducted its involuntary manslaughter investigation.[6] This was initiated by roughly 30 criminal complaints filed by victims' families and survivors who followed the guidance of the Office of the State Attorney.[7]

Once we received the final investigative report and the interviews that the OPD recorded, we quickly saw that the OPD investigation lacked integrity—as we anticipated because some of the same police officers overseeing the investigation were involved with the City's failed PULSE law enforcement response. The glaring conflicts of interest inherent in investigating themselves should have precluded them from conducting such an investigation in the first place. The police did not even investigate all of the issues that victims/survivors filed criminal complaints about. They ignored complaints about the onePULSE Foundation and the cover-up of the facts by the Office of the Mayor.

Furthermore, OPD did not interview the nightclub owners, did not record interviews with City employees, only interviewed a handful of survivors and family members, and did not inspect the building to document remaining code violations. Investigators also failed to ask survivors substantive questions about the underlying issues and, in place of original investigative work, they relied on *They Knew*—an advocacy report we published online in 2020 that was confined to the limited records we had at the time of its writing. The OPD's investigation lacked any true investigative methodologies and contained too many factual errors and omissions to count. Despite newly released evidence and a subsequent written request made on February 8, 2026, the OPD never re-opened the case.

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[6] Case #2023-00205852

[7] "PULSE Massacre Victims File Police Complaints Saying Exits Were Blocked," Frances Robles, *New York Times*, August 6, 2023, https://www.nytimes.com/2023/08/06/us/pulse-shooting-building-complaints.html.

Then on June 12, 2025, we met with the FBI and the State Attorney's Office and told them about our ongoing concerns. By September 2025, no one in our group had been contacted. A survivor reached out to the lead investigator at the State Attorney's Office and was told that the "review of this matter was still open and active."[8] Shortly after, communication with the Office ended. The investigator we worked with and entrusted was no longer working for the State Attorney's Office. On April 29, 2026, we learned that the State Attorney's Office no longer had any surveillance footage from PULSE in its possession. All materials used in its Use of Deadly Force Case Review or "Shoot Review" were turned over to the FBI on February 21, 2019. This means that the State Attorney's Office no longer possesses the evidence it would need to conduct a thorough and complete investigation into the issues we have documented.

On June 5, 2026, we met with the State Attorney on Zoom. The meeting did not give us hope that an official independent investigation would be done, as Worrell stated that her Office does not conduct its own investigations and lacks the resources to do so. Her Office merely conducted a review of the evidence provided.

On July 21, 2026, the State Attorney's Office released a public statement that involuntary manslaughter charges will not be pursued at this time, however, "because there is no statute of limitations, this decision can be revised at any time the evidence and law warrants doing so." The statement also acknowledged that "[m]any of the points raised are outside the limited scope of the State Attorney's role in determining whether criminal charges are appropriate."

The State Attorney's decision rests on the legal interpretation of culpable negligence, with the Office stating:

> The interested parties make repeated reference to fires causing the death of bar/club patrons, such as the Station Nightclub in 2003, but the possibility of fire, whether intentionally set, negligently caused, or an act of nature, is why municipalities have building code regulations—not mass murderers…. Had this been a structural collapse, a fire, or any number of other things related to the issues raised, this analysis would end differently.[9]

This explanation overlooks the fundamental purpose of modern building and fire codes, which are life-safety regulations designed to protect occupants during emergency evacuations—not solely during fires or structural failures. Means-of-egress requirements, exit capacity, occupant load limits, and other life-safety provisions exist to facilitate the safe evacuation and rescue of occupants during any life-threatening emergency, regardless of the event requiring evacuation.

This explanation also assumes that criminal liability requires foreseeability of the precise intervening event—a mass shooting—rather than foreseeability of the general type of harm, namely that unsafe conditions affecting emergency egress could prevent occupants from escaping or first responders from reaching victims during a life-threatening emergency. The memorandum does not fully explain why Florida law requires the former rather than the latter.[10]

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[8] Email, September 10, 2025

[9] Case Disposition Memorandum. Case 2025-HI-25. State Attorney of the Ninth Judicial Circuit. Monique Worrell. July 21, 2026.

The State Attorney's memorandum also contains factual inaccuracies, extrapolating those "facts" from Chris Haas's Homicide Report created in the aftermath of the shooting when he worked for the OPD. Haas now works for the State Attorney's Office. While we acknowledged that report is the most accurate and detailed investigation conducted by the OPD, we did not make the claim that it is free from error or factually correct.[11]

Furthermore, on multiple occasions over the past few years, a survivor also reached out to the FBI and asked about the status of the PULSE case with their agency and was told that their case was still open and that victims' families and survivors would be notified once it was officially closed. As of July 24, 2026, survivors have **not** been notified that the case has been closed.

As of the writing of this report, we have no evidence that any legitimate investigation is taking place. No survivors have been contacted or interviewed about these issues or their personal experiences of escape and rescue.

In an ongoing effort to portray that *there is nothing to see here*, Orlando Mayor Buddy Dyer publicly claimed that the FBI case was finished and closed, despite neither assertion being true. The FBI case remains open. As recently as June 2026, Dyer made another false statement when asked directly by reporters about PULSE's code violations: "So we looked at that, the FBI did a separate investigation, and there are no public safety code violations that in any way hampered anything on that evening. So, there's been a lot of rumors related to that, but there's no substance to that," Dyer said.

Unfortunately, local news outlets published the Mayor's false claims without verifying or researching those statements and even though Dyer has zero connection to the FBI and does not speak for the agency. Dyer was not even allowed in the FBI meetings that took place in his own City in 2025. Furthermore, the FBI did not investigate these issues and told us during the private 2025 meetings that the FBI previously considered those issues local law enforcement issues, as opposed to federal crimes.

After years of trying to get an independent investigation, we determined that we could not depend on our law enforcement agencies and we needed to continue our own investigation and publish our findings for public oversight. As we prepared this report, we continued to learn new and important information that had never been released to the public and push our local and State representatives to form a PULSE Truth and Accountability Commission to conduct a full, independent investigation of the issues we have continuously presented to law enforcement agencies over the years that have never been adequately investigated or pursued.

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[10] Email, William Jay and Zachary Blair, *Re: HI25-25 Pulse Investigation*, July 22, 2026. Office of the State Attorney (Ninth Judicial District).
[11] Email, William Jay and Jeffrey Badger, *Pulse shooting, corrections*, July 22, 2026. Office of the State Attorney (Ninth Judicial District).

Our Efforts to Obtain Hidden Evidence

To visually document the escape and rescue of victims/survivors, we have spent years trying to obtain the surveillance footage recorded by numerous security cameras located both inside and outside of the PULSE Nightclub.

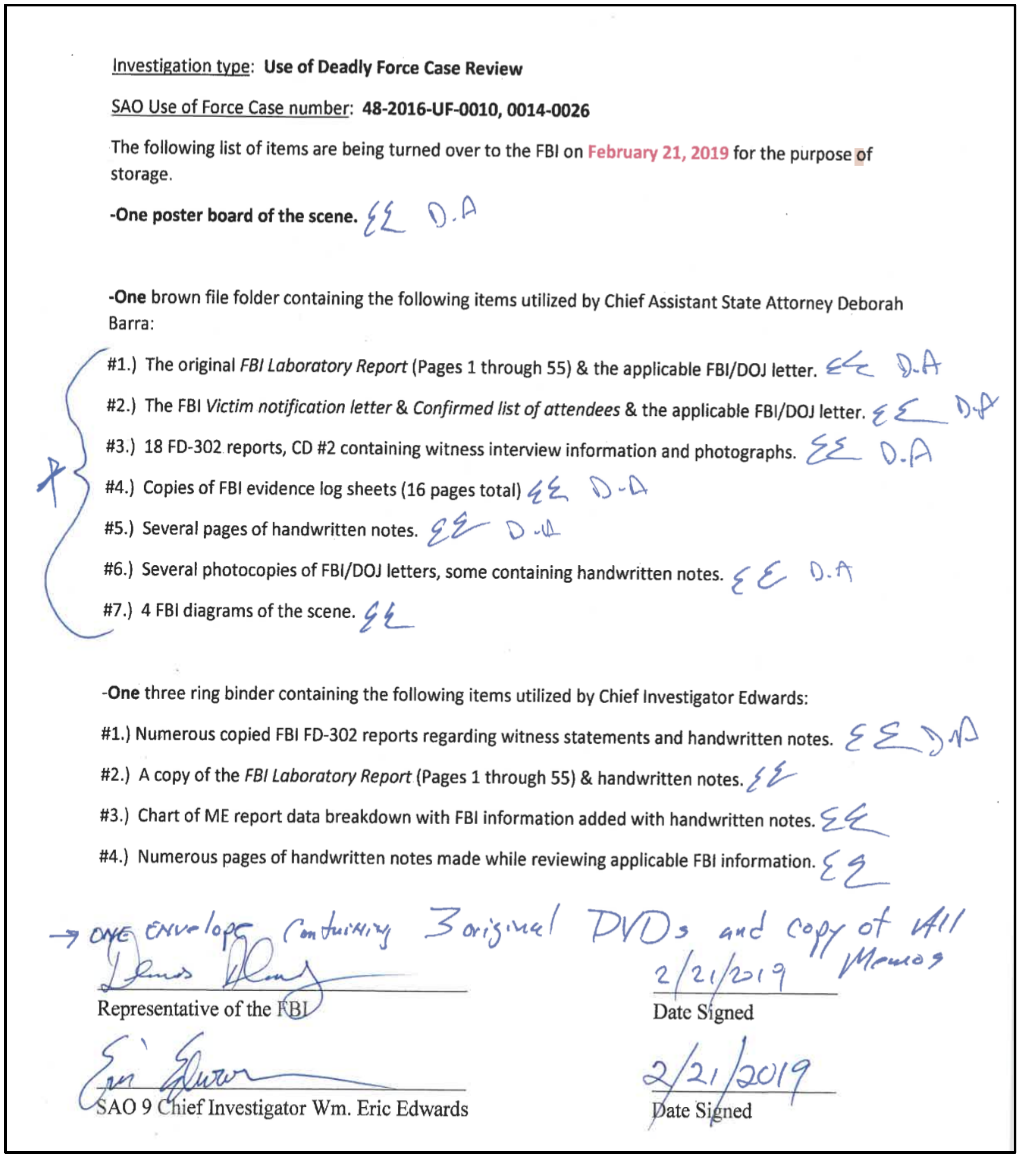
The video clips admitted as Government Exhibit 100 in *United States v. Noor Salman* (2018) provide substantial evidence documenting the movements of both the shooter and responding law enforcement officers inside the nightclub. The footage also corroborates facts directly relevant to the issues examined in this report.

Our first attempt to get the full recordings of the surveillance footage was through the City of Orlando. However, we learned through City documents that the OPD also did not have access to the surveillance footage and never possessed the footage because the FBI never allowed them to have copies. Consequently, when victims' families and survivors filed complaints in 2023–2024, the OPD lacked access to critical evidence central to the allegations, rendering any claim of a thorough, independent investigation inherently questionable.

As stated in the previous section, we later tried to get the surveillance footage from the Office of the State Attorney. When we asked the Office for this evidence, we learned that the footage was not in its possession either and that it had returned all relevant records back to the FBI. Thus, the State Attorney also lacked possession of this critical evidence, calling into question its ability to conduct the kind of comprehensive review necessary.

Lastly, the Florida Department of Law Enforcement (FDLE) stated in April 2026 that it only had 19 minutes of PULSE CCTV footage, which it released to us at that time. This footage showed police taking cover behind the Adonis Room bar with their guns aimed at the hallway leading to the two bathrooms where victims/survivors were trapped. Thus, the FDLE also never had the evidence necessary for them to conduct a thorough investigation either.

As far as we know, the only law enforcement agency with more information than what we have collected across multiple agencies is the FBI. However, according to our own FOIA Requests, the FBI claims only have 1 hour and 31 minutes of surveillance footage. To release the footage, the FBI stated that it would take 67 months—or more than 5.5 years. We have proceeded with that request, but it may be likely that the only people in possession of the full surveillance footage from all cameras recording that night are Barbara and Rosario Poma.



Investigation type: **Use of Deadly Force Case Review**

SAO Use of Force Case number: **48-2016-UF-0010, 0014-0026**

The following list of items are being turned over to the FBI on **February 21, 2019** for the purpose of storage.

-One poster board of the scene. EE D.A

-One brown file folder containing the following items utilized by Chief Assistant State Attorney Deborah Barra:

#1.) The original *FBI Laboratory Report* (Pages 1 through 55) & the applicable FBI/DOJ letter. EE D.A

#2.) The FBI *Victim notification letter* & *Confirmed list of attendees* & the applicable FBI/DOJ letter. EE D.A

#3.) 18 FD-302 reports, CD #2 containing witness interview information and photographs. EE D.A

#4.) Copies of FBI evidence log sheets (16 pages total) EE D.A

#5.) Several pages of handwritten notes. EE D.A

#6.) Several photocopies of FBI/DOJ letters, some containing handwritten notes. EE D.A

#7.) 4 FBI diagrams of the scene. EE

-**One** three ring binder containing the following items utilized by Chief Investigator Edwards:

#1.) Numerous copied FBI FD-302 reports regarding witness statements and handwritten notes. EE D.A

#2.) A copy of the *FBI Laboratory Report* (Pages 1 through 55) & handwritten notes. EE

#3.) Chart of ME report data breakdown with FBI information added with handwritten notes. EE

#4.) Numerous pages of handwritten notes made while reviewing applicable FBI information. EE

→ ONE ENVelope Containing 3 original DVDs and copy of All Memos

Representative of the FBI

2/21/2019
Date Signed

SAO 9 Chief Investigator Wm. Eric Edwards

2/21/2019
Date Signed

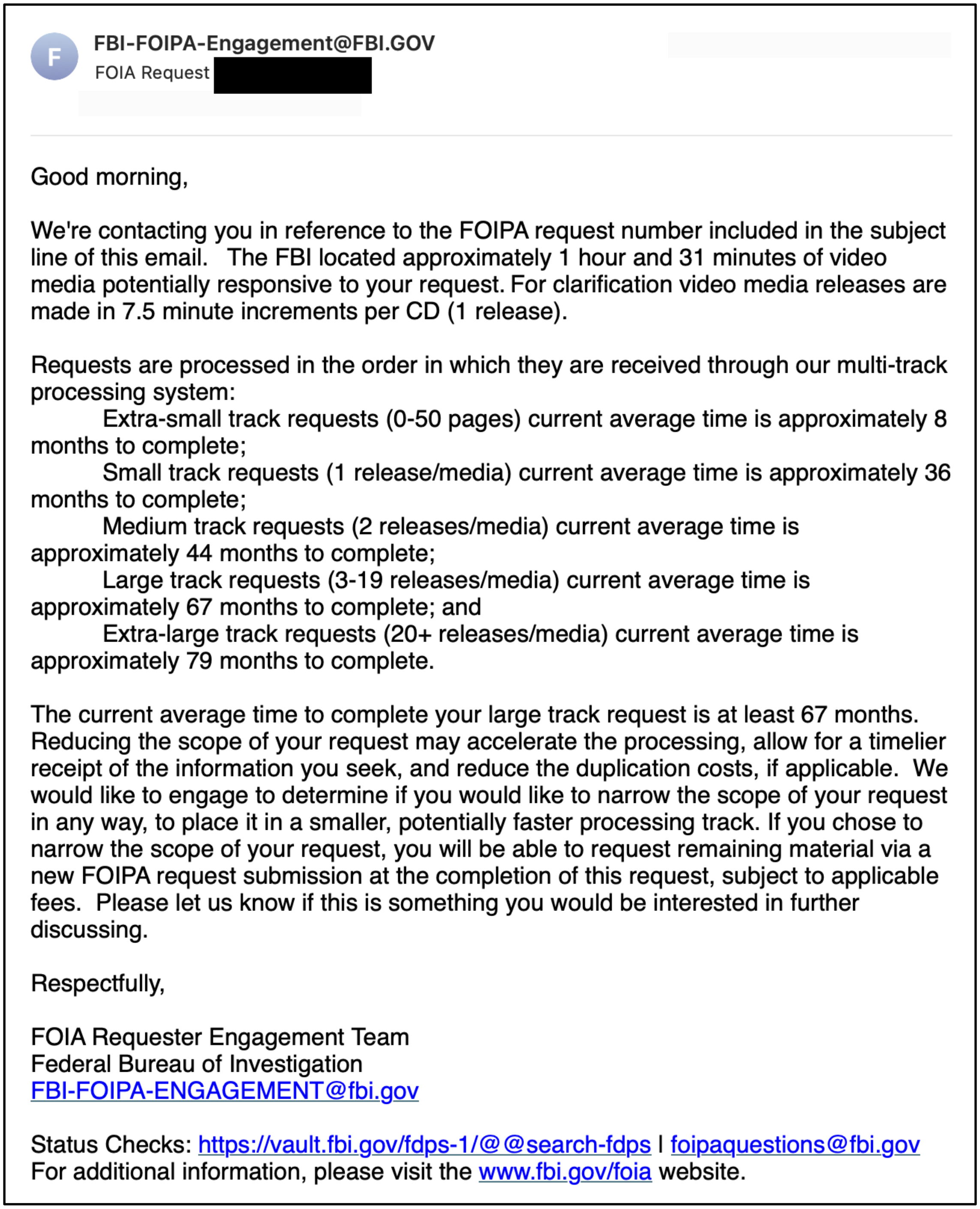
State Attorney's list of records returned to the FBI: Received on April 29, 2026, this is the listing items that the State Attorney's Office for the Ninth Judicial District returned to the FBI on February 21, 2019, following its Use of Deadly Force Case Review—or "shoot review." It shows 3 DVDs but does not identify the contents of those DVDs. It is assumed they contained surveillance footage because those records are not listed elsewhere and we know from the State Attorney's Press Conference that its Office reviewed PULSE's CCTV recordings.

[1] C:\Users\CFW60\Desktop\FDLE\Files\CH5_160612_010000_160612_015958_ID8170.SSF
352x240
CH5
01: 10: 27 (2016/06/12)

PULSE Surveillance Footage in Possession of the FDLE: The FDLE only had 19 minutes of CCTV recordings in its possession and released that footage to the public in April 2026.

The remaining issue is that, according to OPD Detective Chris Haas who reviewed the surveillance footage for the OPD's Homicide Report (Case No. 2016-242039), there were 15 surveillance cameras. Of those, he claimed that only seven of them provided footage relevant to the case. Assuming these cameras were recording through the duration of the over-3-hour incident, there should be over 45 hours of surveillance footage.

Even using conservative calculations by assuming that the FBI only kept the footage from the seven relevant cameras and that those surveillance cameras were recording for at least the first 18 minutes into the shooting, as government records show, then that would mean there should be at a minimum two hours of surveillance footage in the FBI's possession.



FBI-FOIPA-Engagement@FBI.GOV
FOIA Request [redacted]

Good morning,

We're contacting you in reference to the FOIPA request number included in the subject line of this email. The FBI located approximately 1 hour and 31 minutes of video media potentially responsive to your request. For clarification video media releases are made in 7.5 minute increments per CD (1 release).

Requests are processed in the order in which they are received through our multi-track processing system:

Extra-small track requests (0-50 pages) current average time is approximately 8 months to complete;

Small track requests (1 release/media) current average time is approximately 36 months to complete;

Medium track requests (2 releases/media) current average time is approximately 44 months to complete;

Large track requests (3-19 releases/media) current average time is approximately 67 months to complete; and

Extra-large track requests (20+ releases/media) current average time is approximately 79 months to complete.

The current average time to complete your large track request is at least 67 months. Reducing the scope of your request may accelerate the processing, allow for a timelier receipt of the information you seek, and reduce the duplication costs, if applicable. We would like to engage to determine if you would like to narrow the scope of your request in any way, to place it in a smaller, potentially faster processing track. If you chose to narrow the scope of your request, you will be able to request remaining material via a new FOIPA request submission at the completion of this request, subject to applicable fees. Please let us know if this is something you would be interested in further discussing.

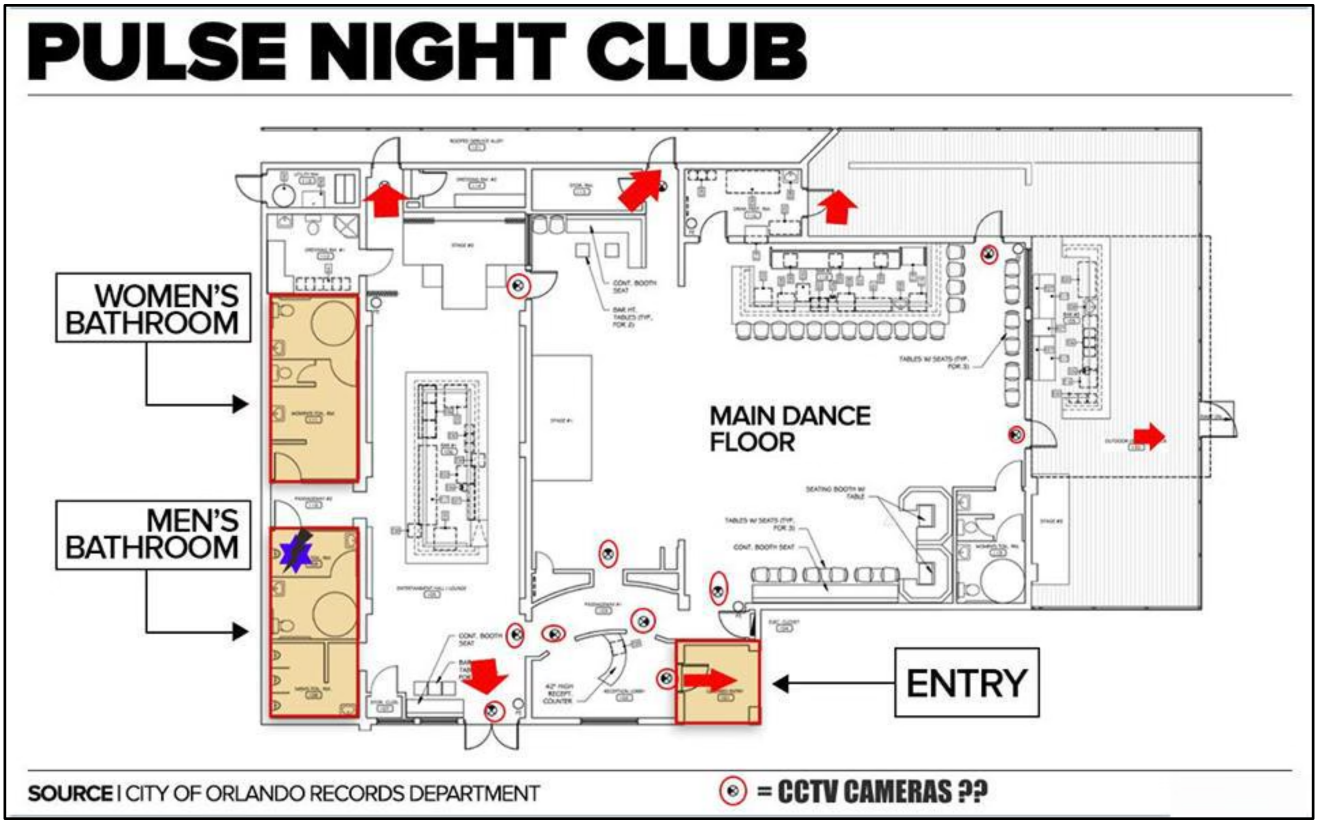
Respectfully,

FOIA Requester Engagement Team
Federal Bureau of Investigation
FBI-FOIPA-ENGAGEMENT@fbi.gov

Status Checks: https://vault.fbi.gov/fdps-1/@@search-fdps I foipaquestions@fbi.gov
For additional information, please visit the www.fbi.gov/foia website.

FBI's Response to FOIA Request for PULSE Surveillance Footage: The FBI stated it had 1 hour and 31 minutes of surveillance footage, which would take 79 months to release on CD.

If the following building plans sent to an external law enforcement agency by one of the City's top security officials truly shows the placement of PULSE's CCTV surveillance cameras, as shown, then at least 12 of those cameras would have been recording footage relevant to the issues that we demand are thoroughly and independently investigated.



Map of PULSE's CCTV Cameras: This was emailed on July 14, 2016, by David Arnott (then the Special Assistant to Orlando Mayor Buddy Dyer for the OPD, and the current OPD Chief of Staff) to James Woolsey, then Commander of the Brevard Sheriff's Office.

As you can see, through the years new information and evidence continue to be slowly made public as we have been able to acquire it through a series of public records requests to various agencies and institutions. This is in addition to evidence we have been able to acquire through litigation, whistleblowers, ongoing media coverage, and informal discussions with survivors and employees of PULSE, and employees of the City of Orlando, Orlando Health, and the onePULSE Foundation.

It became increasingly clear by the information withheld that the full story surrounding the shooting, the nightclub, its aftermath, and the City of Orlando's role in allowing PULSE to operate as a non-compliant nightclub had been systematically concealed by those who had the most legal liability. Over the course of a decade, crucial evidence regarding the conditions of the nightclub, its management, and the City's involvement had to be pried from Orlando City Hall—slowly and often obscured by improper redactions.

Records kept from the public by the City of Orlando until after 2019 revealed that PULSE Nightclub had long been operating in violation of its approved use and with unpermitted renovations and numerous fire, building, and zoning code violations that hindered escape and rescue on the night of the shooting.

Despite our sustained efforts, the full extent of these violations—and the role of the nightclub's owners and City officials in enabling and concealing them—remained hidden for far too long. As recently as last year (2025), we obtained a photo showing a Coke-branded beverage refrigerator blocking an exit, the existence of which the City had denied for nine years. The City continues to claim that it has no evidence that exits were blocked, despite their own photograph and record of text messages from Fire Marshal Tammy Hughes explicitly stating this fact on June 12, 2016.

The City of Orlando withheld this across multiple requests from the local and national media at the time and that we later submitted explicitly asking for this photograph. For years, the City claimed there were "No Responsive Records" and, once the file name was pinpointed, that it was exempt from disclosure. It was released only after the City was threatened with a court order and we paid for the City to unredact the information—City redactions we believe are improper.[12] In an ongoing public records lawsuit brought against the City of Orlando,[13] we hope to get the unredacted photograph in an effort to prove that the City had no legal right to withhold this evidence from our families for nine years in the first place.

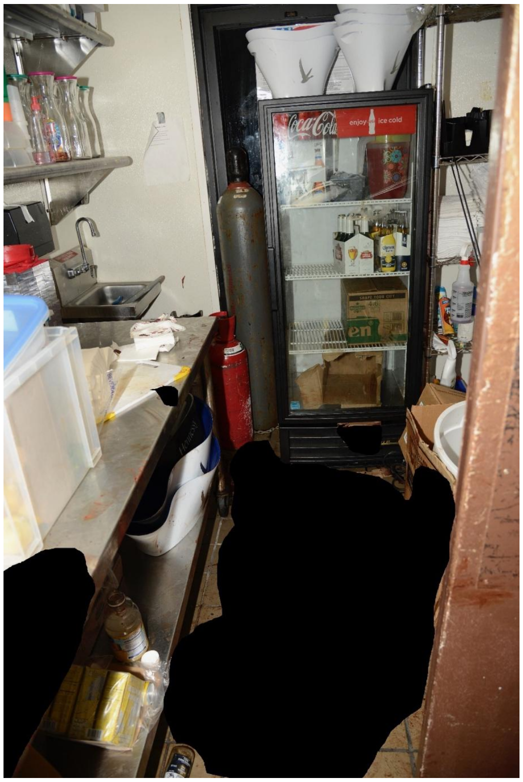


Photo of the blocked exit at PULSE: Not released to the public until nine years after the shooting. In those preceding years, the City made false claims that no exits were blocked. The story of Luis Omar Ocasio Capo and the wounded survivors trapped with him who tried to move the refrigerator would not have been publicly known if it was not for our efforts to organize and speak to each other about our experiences. The City claimed this photo was exempt from release. In Case 2025-CA-011023-O, filed with the Circuit Court of the Ninth Judicial District in Orange County, we are fighting for the release of this photo without redactions to show that the City's claim this photo was exempt from public disclosure was always an attempt to conceal the facts. The redacted (blacked out) portion of the photograph depicts blood. The City claimed that this represents the body part of a victim, however, victims' bodies were removed from the building prior to these photographs being taken. The City also released other photos depicting victims' blood without redaction (Source: *City of Orlando*).

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[12] https://www.wesh.com/article/photo-2016-pulse-nightclub-massacre-blocked-exit/64313970

[13] Circuit Court of the Ninth Judicial Circuit, Orange County, Florida, 2025-CA-011023-O, *Zachary Blair v. City of Orlando*.

Similarly, the **Orlando Police Department (OPD)** took months to release crucial 911 calls and even years to release body camera footage, withholding video evidence that should have been made available when the City first released body camera recordings. The Orange County Sheriff's Office (OCSO), which is now led by former Orlando Police Chief John Mina, has also not released all records pertaining to the PULSE shooting response that it has in its possession.

The only reason why the information we have has emerged over the years is because of lawsuits[14] and our relentless requests for public records. To date, 10 years after the shooting, there are still numerous outstanding requests for records. We also continue to seek additional records in an effort to find answers to critical questions the City of Orlando still refuses to answer.[15]

Despite the Mayor's claims of transparency, over the years, the City's public relations strategy was made clear by its actions: keep information from the public, issue false statements, willfully neglect to collect evidence, and dump documents without context or chronology, leaving it to the public and media with the impossible task of piecing together the details without any frame of reference. For example, without ever stepping foot inside of the PULSE nightclub, how could journalists even know what rooms photographs released by the City depicted or where various documented code violations were located? Furthermore, without seeing the video footage of the police response, how can anyone verify or dispute the City's claims that the OPD did everything right and went right into the club immediately? We now know that the OPD did not enter the club while gunfire was occurring. This kind of obfuscation by the City purposely concealed facts and delayed accountability.

In 2019, three years after the shooting, a small group of us began to organize and piece together the depths of the City's involvement. In 2020, we discovered that **in the week following the shooting, Orlando City Attorneys prepared a chronological list of code violations and unpermitted renovations at PULSE; a document that was created in preparation for "imminent civil or criminal litigation" and that the City attempted to conceal from the public through a complete redaction.[16]**

To us, this appeared to be a blatant attempt to evade accountability for the City's documented failures. Under the guidance of the First Amendment Foundation of Florida, we were able to get the City's list of code and permitting violations at PULSE un-redacted by demanding them from the City Attorney Mayanne Downs and arguing that the City had no legal basis for its withholding. It's worth noting that this list was obtained from an attachment sent to her private email with the GrayRobinson law firm, not her official City email address despite this being official City business. Downs was President of GrayRobinson at the time.

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[14] See *ABC, Inc. et. al. v. City of Orlando*, Circuit Court of the Ninth Judicial District, Case Number 2016-CA-005528-O, Consolidated with 2016-CA-005536-O.

[15] See the *49 Questions Campaign* created by the Community Coalition Against a PULSE Museum (CCAP) and submitted to the City and City Council multiple times in 2020; https://www.nopulsemuseum.info/49-questions. Also, see emailed questions sent to City Council members in 2020. A video of victims/survivors and community members asking the City these questions were also submitted to the June 15, 2020, City Council Meeting and was not played "due to technical difficulties." See email correspondence between Patty Sheehan and Dr. Zachary Blair titled, "PULSE Public Records and Unanswered Questions (Unpermitted Renovations and Code Violations)" sent between June 10-11, 2020.

[16] Appendix M.

When the City was forced to un-redact the document, it became evident what the City was trying to hide: The unredacted document was a timeline that listed the code violations and unpermitted and illegal renovations at the PULSE building.

Such a chronology, helpful to City attorneys, would have been explosive for reporters in 2016 when the document was created—had it been released. Instead, the City covered it up and forced journalists to try to make sense of the thousands of pages in a document dump while being misled by the City's contradictory public statements that were carefully crafted to deny any issues existed at PULSE without exposing the City to additional legal liability.

As public interest grew, the City continued to fully redact and withhold PULSE records and issued statements that contradicted what was documented in the City's own records. For example, City officials continued to maintain that the City had no documentation of code violations at PULSE—and that the City had "no indication that exits were blocked"—despite possessing the very records that proved otherwise. **In fact, City officials even misled their own City Council members, issuing a Question-and-Answer document to field questions from the public that fabricated police scenarios and pointed them away from the documented facts.**

We spent thousands of dollars on over 400 public records requests in an ongoing battle to gain access to these and other facts. We also continued to organize and share information with the public. The City of Orlando tried to block these efforts at every turn. Rather than fulfilling records requests in a timely manner, they instituted a review process through the City Attorney's Office, at times overseen by Mayanne Downs, and further delayed the release of critical information. This was chronicled in *The Nation* magazine. Other public records show that this may have been a pattern with the City of Orlando's dealing of records pertaining to the PULSE Nightclub, the shooting, the police response, and the City's performative memorial design process.[17] The delayed release of public records seems to reveal one of the City's most effective methods in shielding its own culpability and concealing its failures, especially when it comes to allowing PULSE to operate for years with both known and undocumented safety violations and unpermitted renovations that ultimately contributed to the scale of the tragedy.

To date, no thorough investigation into these violations or the City of Orlando's concealment of them has been undertaken by any government authority. This report represents the only such

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[17] See email sent by journalist Noah Pransky to Fire Marshal Tammy Hughes on June 13, 2016, at 4:01 PM, in which he states, "Unless you have a specific exemption to FSS 119.07, the state's public record law, that you can cite, it is illegal to withhold the document or mandate a middleman/filter for us to get it." Subject line: "Request for fire inspection." This is precisely how the City of Orlando has operated since the Fall of 2019, after the Office of the Mayor prohibited the Permitting Division from giving anyone any information about PULSE. Before then, we were helped extensively by then Permit Technician II, Rosemary Culhane, who directly answered every question we had about PULSE's building permits.

investigation on record.

Local media agencies tried to get to the bottom of some of these, but they were repeatedly dissuaded by the City's false claims and carefully crafted statements clearly intended to thwart any in-depth investigation. The 2025 investigation into the code violations and unpermitted renovations that was conducted by WESH 2 remains to be the only investigation other than our own that took the allegations seriously. As a result of this reporting, we were able to document the experiences of our survivors being trapped inside the building and the obstacles they faced when trying to escape the PULSE death trap. It is important to note, however, that there was one reporting error that was the result of an untruthful statement made by a PULSE employee who claimed he did not have to kick in the illegal fence to save lives. Survivors witnessed him "drop kicking" the fence and he is also documented on surveillance footage doing just that, which is also documented in the City's own records

No law enforcement agency has ever investigated the City's culpability, the Office of the Mayor's involvement, or the owners' negligence. Instead, these allegedly culpable parties have issued nearly identical public statements attributing sole responsibility for the 49 deaths and dozens of injuries to the shooter—**even though the shooter did not block exits or violate building, zoning, or fire codes that impeded escape and rescue.** Those legal defense statements also ignore the fact that **16 of the 49 victims (32%) suffered "survivable wounds" that became "preventable deaths" due to their inability to receive prehospital care within the standard timeframe.**[18] The hospital trauma center was just blocks away, even though the neighboring fire station locked its doors to fleeing survivors during the first critical 12 minutes of the shooting.

The most disturbing aspect of the concealed information continues to be the extent of the code violations and unpermitted renovations that directly hindered escape and rescue on the night of the shooting. This included a pattern of the nightclub operating in violation of required safety standards, as well as PULSE operating as a nightclub illegally and in violation of its approved use. These violations are documented in extensive detail in the following pages.

With the evidence we have uncovered over the course of the past 10 years, it is now an undeniable fact that code violations at PULSE—including unpermitted renovations and obstructed egress routes—significantly impacted and even prevented the ability of patrons to escape during the shooting. However, we continue to try to access as much of the evidentiary records as possible, especially as it pertains to the failed police response and the City's coverup of the facts unfavorable to City leaders.

After the shooting, rather than addressing these failures, the City and Office of the Mayor aligned itself with the nightclub's owner, Barbara Poma, who founded a nonprofit organization called the onePULSE Foundation with the stated goal of building what was then a $45M memorial. Mayor Buddy Dyer even became part of the nonprofit and was a member of its Chairman's Ambassador's Council.[19] The City partnered with the onePULSE Foundation to make a tourist site out of the mass shooting**, marking the first time in history that a mass shooting was looked upon as a tourism destination.**

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[18] https://www.tandfonline.com/doi/full/10.1080/10903127.2018.1459980

[19] See, "Orlando Mayor Buddy Dyer Refuses to Resign from onePULSE Foundation" in *West Orlando News* (October 3, 2023), https://westorlandonews.com/orlando-mayor-buddy-dyer-refuses-to-resign-from-onepulse-foundation/.

The City of Orlando, the private law firm GrayRobinson (where City Attorney Mayanne Downs was President), Orange County, and the tourism industry threw their support behind the nonprofit, which raised millions from donations and state, federal, and local grants. However, despite all of this fundraising, none of the promised capital projects—neither a memorial, a museum, nor the promised Survivors' Walk—ever broke ground over the course of eight years. Funds were mismanaged and wasted on bloated executive salaries. The promises made to the victims' families and survivors were broken.

Orange County initiated its own review of how its Tourism Development Tax (TDT) grant was mishandled and as part of that process, the onePULSE refused to cooperate and then submitted heavily redacted financial statements preventing County officials and the public from seeing any financial information beyond the taxpayer dollars provided to the nonprofit by the County. The Internal Revenue Service (IRS) Criminal Investigations Unit was made aware of the nonprofit's dissolution and finances.

As families and survivors sought accountability for all these failures, our numbers continued to grow. What started as a small group of survivors and families under the banner of NoPULSEmuseum and a Community Coalition Against a PULSE Museum (CCAP)—opposing the onePULSE Foundation's blatant commercialization and monetization of the tragedy—grew into a larger coalition: PULSE Families and Survivors for Justice. As we grew, so did public participation. Over the years, this group received leaks of confidential information from employees within the onePULSE Foundation and disclosures of vital information pointing to corruption and misconduct from two sitting City Commissioners—Shaniqua Rose and Patty Sheehan. Before being elected City Commissioner, Shaniqua "Shan" Rose worked for the City of Orlando. She told us that while employed by the City, she was aware of a call that came in from the Office of the Mayor, telling the Permitting Division to wipe the City's backup server to destroy damning permitting records. Like Commissioner Patty Sheehan disclosed the unpermitted renovations at PULSE and how they hindered first responders, both Commissioners repeated these disclosures to multiple people in our group, in addition to local media outlets off the record. A whistleblower from the onePULSE Foundation attested to PULSE co-owner Barbara Poma's admission behind closed doors to the Board of onePULSE that the violations we unearthed were all true, and when the PULSE owners were told of violations at their building, one of the co-owners would "call someone in the City and the problem would just go away."

These disclosures and the facts that spill from the City's own documents paint a damning picture of the City's role in the continued cover-up of failures pertaining to PULSE, the police response, and the now dissolved onePULSE Foundation.

So, once again, we must begin with recognizing the following documented facts:

1. PULSE owners **Rosario Poma** and **Barbara Poma** owned and operated PULSE (1912 S. Orange Avenue) as a nightclub illegally—against City code and its approved use as determined by the City of Orlando and its Municipal Board. The business was only approved by the City of Orlando to operate as a martini bar and restaurant, with no dance floor. On June 12, 2016, 20 people were murdered and more were wounded by gunfire on the unpermitted dance floor that the City of Orlando mandated in writing for Rosario Poma to remove prior to opening in 2004 and again in 2010. This is in addition to the unpermitted renovations and code violations that are documented to have hindered escape and rescue.

2. Since the shooting, the City of Orlando—particularly Buddy Dyer's Office of the Mayor—has worked to keep documents and facts from the public, including illegally redacting a list of the unpermitted renovations and code violations that the City knew about. Key players in this scheme included **the Mayor's** longtime personal friend, **City Attorney Mayanne Downs**, who presided over the GrayRobinson law firm in the immediate aftermath of the shooting.[20] Downs and the firm was also hired by the City to gather the code violation information in preparation for "imminent criminal or civil litigation" in an effort to protect the City *against* PULSE victims/survivors, creating an obvious conflict of interest when Downs was put in charge of making decisions about what can and can't be released to the public.

   Earl Crittenden, who was appointed as Chief Protocol Officer for the City of Orlando by Mayor Buddy Dyer and also was a lawyer for GrayRobinson, used his role as Chairman of the onePULSE Foundation to sell the property onePULSE purchased behind the PULSE Nightclub to an LLC owned by the brother of the City of Orlando's Assistant City Attorney Jody Mateer Litchford, Craig Mateer, who employes Mayor Dyer's son. The property was never publicly listed for sale and was transferred to the City of Orlando as the onePULSE Foundation was quickly and quietly liquidating its assets during an abrupt surprise dissolution.

3. For nearly 8 years, the onePULSE Foundation collected donations and grants to build a memorial and museum to honor the victims of the mass shooting at the PULSE Nightclub. The nonprofit was founded by the co-owner of the illegitimate nightclub, Barbara Poma. She led the nonprofit for the majority of the time it was operational. On April 4, 2023, Poma was ousted from her leadership position as she sought additional money out of the nonprofit she started for the purchase of the nightclub property where she was to build the memorial.[21] The nonprofit misled the public throughout this time period, falsely claiming that they were on track to build a multi-million-dollar memorial-museum complex. Prior to dissolving, nonprofit leaders also falsely publicly claimed that donors would be refunded and then kept requested financial records away from Orange County, which sought to do a limited audit on the nonprofit (as within their authority) after the onePULSE Foundation broke their contract with the County by illegally

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[20] "Mayanne Downs: President of the Florida Bar," Jan Pudlow, *Florida Bar Journal*, Vol. 84, No. 7, July/August 2010, pg. 10, https://www.floridabar.org/the-florida-bar-journal/mayanne-downs-president-of-the-florida-bar/; also see, "Ex-GrayRobinson Leader Departs Firm to Form Boutique," Carolina Bolado, *Law360*, September 19, 2024, https://www.law360.com/pulse/articles/1880755/ex-grayrobinson-leader-departs-firm-to-form-boutique.

[21] "onePULSE Foundation's Barbara Poma leaves organization," Amanda Rabines, *Orlando Sentinel*, April 24, 2023. https://www.orlandosentinel.com/2023/04/04/onepulse-foundations-barbara-poma-leaves-organization/; also see, "How onePULSE broke Orlando's heart," Amanda Rabines, *Orlando Sentinel*, March 14, 2024. https://www.orlandosentinel.com/2024/03/13/how-onepulse-broke-orlandos-heart/; "The demise of onePULSE," Nancy Alvarez and Michele Imperato, *WESH 2*, June 14, 2024, https://www.wesh.com/article/demise-onepulse-orlando/61085190

> renting out a warehouse it bought with Tourism Development Tax dollars for a future museum. Records also show that employees were paid significant amounts of money through bloated salaries, but these payments were hidden in the organization's 990 tax forms submitted to the IRS. Poma's personal property taxes and maintenance costs for the PULSE property were paid by the Foundation, giving way to allegations of personal enrichment. The organization also continued to operate for months after they officially dissolved with the state, shuffling money around and they even filed taxes for the years 2025—a year the onePULSE Foundation no longer existed on paper, as dissolution paperwork was quietly filed with the State of Florida on December 31, 2024.[22]

We must also continue to collect the evidence.

In April 2026, the FDLE released copies of the limited surveillance footage it had in its possession released by the FDLE. Meanwhile, for the next five years, we will be waiting for the FBI to release the surveillance footage from the nightclub that it has in its possession with the minimal redactions as required by law.[23] Furthermore, between the City of Orlando and the OCSO, we currently have 35 open requests for public records covering everything from police training to unreleased body cam footage.

While the need for accountability is immediate,[24] we have learned through the past 10 years that cannot be achieved in isolation. The responsibility now rests with the public—and the institutions that serve it—to decide whether what has occurred over the past 10 years is acceptable and meets the standard that should be expected in a case of this magnitude.

While we work with State Representatives Anna Eskamani and Carlos G. Smith to create the PULSE Truth and Accountability Commission, there are additional steps the public can take as a result of our experiences in the aftermath of the PULSE shooting so that no mass violence survivor is subjected to these injustices. Meaningful public action may look like:

- reopening, expanding, or independently reviewing prior and ongoing open investigations;

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[22] "onePULSE sheds employees, website and social media pages amid surprise Dec. 31 shutdown," Amanda Rabines, *Orlando Sentinel*, January 5, 2024, https://www.orlandosentinel.com/2024/01/03/onepulse-sheds-employees-website-and-social-media-pages-amid-surprise-dec-31-shutdown/.

[23] We have received the FDLE's limited 4-hours of surveillance footage from the nightclub, which it used for its Internal Affairs Use of Force investigation (See Appendix I). The FBI claims to have more footage, but we have faced a number of roadblocks in our efforts to obtain that. On August 24, 2020, in response to FOIPA Request No.: 1472962-000, the FBI claimed that the surveillance footage was "located in an investigative file which is exempt from disclosure" because its release "could reasonably be expected to interfere with enforcement proceedings." To our knowledge, there were no "pending or prospective law enforcement proceedings" at this time, more than four years after law enforcement killed the shooter. So, we called the FBI and they stated over the phone that the case was still open. On July 24, 2024, the FBI stated that releasing the surveillance footage would "constitute an unwarranted invasion of personal privacy." See eFOIA Request No.: 1640929-000. In 2025, we brought this to the attention of the FBI during our in-person meetings and submitted additional requests. Those requests are now being processed and will take approximately eight years to release according to the FBI.

[24] Our *Timeline for Accountability* has been tracking all of these issues for years, is organized in a chronological format, and is easily accessible on our website. This timeline provides yet another roadmap for the State Attorney's investigators, https://www.pulsefamilies.com/post/pulse-a-timeline-for-accountability.

- conducting external audits of law-enforcement investigative practices and evidentiary procedures;
- strengthening whistleblower protections and public-records laws, like mandating cost caps and time limits for delivering responsive records;
- creating standardized independent oversight mechanisms for major mass-casualty investigations;
- reforming building and life-safety inspection practices and enforcement procedures;
- strengthening conflict-of-interest and ethics laws governing public officials;
- reviewing prosecutorial standards and investigative thresholds in cases involving governmental misconduct and evaluate the effectiveness of existing oversight agencies and boards;
- adopting policy reforms to ensure survivor and victim-family participation in investigative and accountability processes;
- establishing independent inspectors general or civilian review bodies with subpoena and auditing authority;
- pursuing legislative or constitutional reforms aimed at improving governmental transparency, accountability, and public access to information.

Regardless of the specific path forward, the central question remains the same: whether the public is willing to accept a system in which critical evidence goes unexamined, accountability is deferred indefinitely, and those most affected are left to investigate the circumstances surrounding their own trauma with little meaningful institutional support.

We are asking everyone to engage with this report carefully and consider what role you can play in advancing accountability and reform. The issues outlined here extend beyond a single incident or community. Ensuring that failures in transparency, oversight, and public safety are addressed is essential to preventing similar outcomes in the future. In standing with those of us who are continuing to fight for justice, the public affirms a broader commitment to accountability, transparency, and a more just society.

Chapter 1: The Pomas Operated PULSE Illegally as a Nightclub; a Direct Correlation to the Shooting

The Shooter Discovered PULSE on June 12, 2016, because it was Operating as a Nightclub, a Violation of its Conditional Use Permit

During the 2018 trial of Noor Salman, wife of the PULSE shooter, it was revealed that the FBI collected and reviewed the shooter's cell phone data from the night of the shooting.[25]

This evidence—revealed two years after the shooting—significantly changed the general understanding of the shooting and the shooter's motives and contradicted the popularized and false narratives that circulated since 2016 (and continue to circulate today, even among the victim base,) that the shooting was motivated by the shooter's personal revenge and anti-LGBTQ hate.[26] These sensationalized and unsubstantiated stories, which trafficked coded homophobia, were widely circulated by corporate news outlets and were ultimately proven to be false.

According to court ***Document 287*** and sworn testimony, Disney Springs was the shooter's original target. The shooter went to Disney Springs on the night of June 11, 2016, prior to driving north to downtown Orlando; close to where the PULSE nightclub was located.[27] Once there, he decided not to kill at Disney.[28] According to Robert Iger, CEO of the Walt Disney Company, Disney Springs had extra security that night for a concert.[29] It is likely that the security presence dissuaded the shooter from carrying out his plans to shoot up Disney.

Phone records obtained by the FBI revealed that PULSE was randomly chosen less than an hour before the attack.[30] Records show that at 12:22:11 AM on June 12, 2016, Mateen used Google to search for "*downtown Orlando nightclubs*."[31]

PULSE came up in the search results, along with another nightclub on South Orange Avenue called EVE Orlando. This is when the shooter made his way to downtown Orlando.

According to evidence discussed by Digital Forensics Specialist Richard Connor, who took to the stand during the Noor Salman trial, the shooter first went to EVE—a different nightclub that had significant security at the entrance and where guests were searched before they could enter. While near EVE (110 South Orange Avenue), the shooter did another search for Orlando nightclubs, found PULSE at 1912 S.

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[25] *United States v. Noor Zahi Salman* (2018). See: "PULSE nightclub shooter's cell phone data explored in wife's trial," *ABC News*, March 21, 2018.

[26] "As the trial of Omar Mateen's Wife Begins, New Evidence Undermines Beliefs About the PULSE Massacre, Including Motive," Glenn Greenwald and Murtaza Hussain, *The Intercept*, March 8, 2018.

[27] "PULSE shooter visited Disney, another club in hours before attack, widow's defense says," *Orlando Sentinel*, December 14, 2018.

[28] "PULSE nightclub shooter intended to attack Disney World, prosecutors say," *NBC News*, March 28, 2018.

[29] See, *The Ride of a Lifetime: Lessons Learned from 15 Years as CEO of the Walt Disney Company* by Robert Iger.

[30] "Everyone Got the PULSE Massacre Story Completely Wrong," *Huffington Post*, April 4, 2018.

[31] "PULSE gunman was at Disney Springs, Eve nightclub before shooting, widow's defense says," *ClickOrlando WKMG*, March 5, 2018; "As the Trial of Oman Mateen's Wife Begins, New Evidence Undermines Beliefs About the PULSE Massacre, Including Motive," *The Intercept*, March 5, 2018.

Orange Avenue, and put this location into Google maps.[32]

This fact was acknowledged by PULSE co-owner Barbara Poma after facing months of public criticism for perpetuating the false narrative that the shooting was a hate crime through the onePULSE Foundation's marketing materials. Her nonprofit's slogan, "We Will Not Let Hate Win," was on all merchandise the nonprofit sold from signs to T-shirts. While being interviewed on *The Roach Show*,[33] a podcast published on July 6, 2020, and is hosted by *Spectrum 13 News* reporter Randy Rauch, Poma publicly acknowledged that the shooting was not a hate crime. The FBI also never designated it as such. During the awkward and uncomfortable interview, Poma also stated that she met Rauch in a swimming pool while on vacation.

Joshua Horowitz, a Cyber Forensic Consultant who took to the stand during the Noor Salman trial, confirmed that neither Mateen or Salman accessed the PULSE website on their computers or cell phones prior to June 12, 2016—the day of the shooting.

These facts contradict the false narratives that continue to be popularized by the corporate news media, the City of Orlando and Office of the Mayor in the aftermath of the mass shooting,[34] showing that the PULSE Nightclub and the gay community were planned targets. Not knowing where to go to carry out his planned carnage, the shooter searched on Google specifically for "*downtown Orlando nightclubs*" to locate a target.

It was this last-minute Google search that brought the shooter to PULSE. Unlike Disney Springs and Club EVE, PULSE had no security at the door, allowing the shooter to walk right into the business – not once, but twice – without ever being stopped by security.[35] This is confirmed on the security surveillance video that was released also during the trial of Noor Salman as Exhibit 100.[36]

Excerpts from *Document 287* (shown below)[37] lays out this evidence and states:

> *At 12:22:11 am on June 12, 2016, Mateen searched "downtown orlando nightclubs." This search produced Google results showing both EVE Orlando and the PULSE nightclub. At 12:22:42 am, Mateen got directions from Google Maps to EVE Orlando. EVE Orlando does not*

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[32] Survivor Tiara Parker, who was visiting from out of town, also found PULSE by Googling Orlando nightclubs. It was the first search result to appear in her search as well.

[33] *The Roach Show*, Show #0113, YouTube, https://www.youtube.com/watch?v=9_Z3RVTxmaE&t=80s

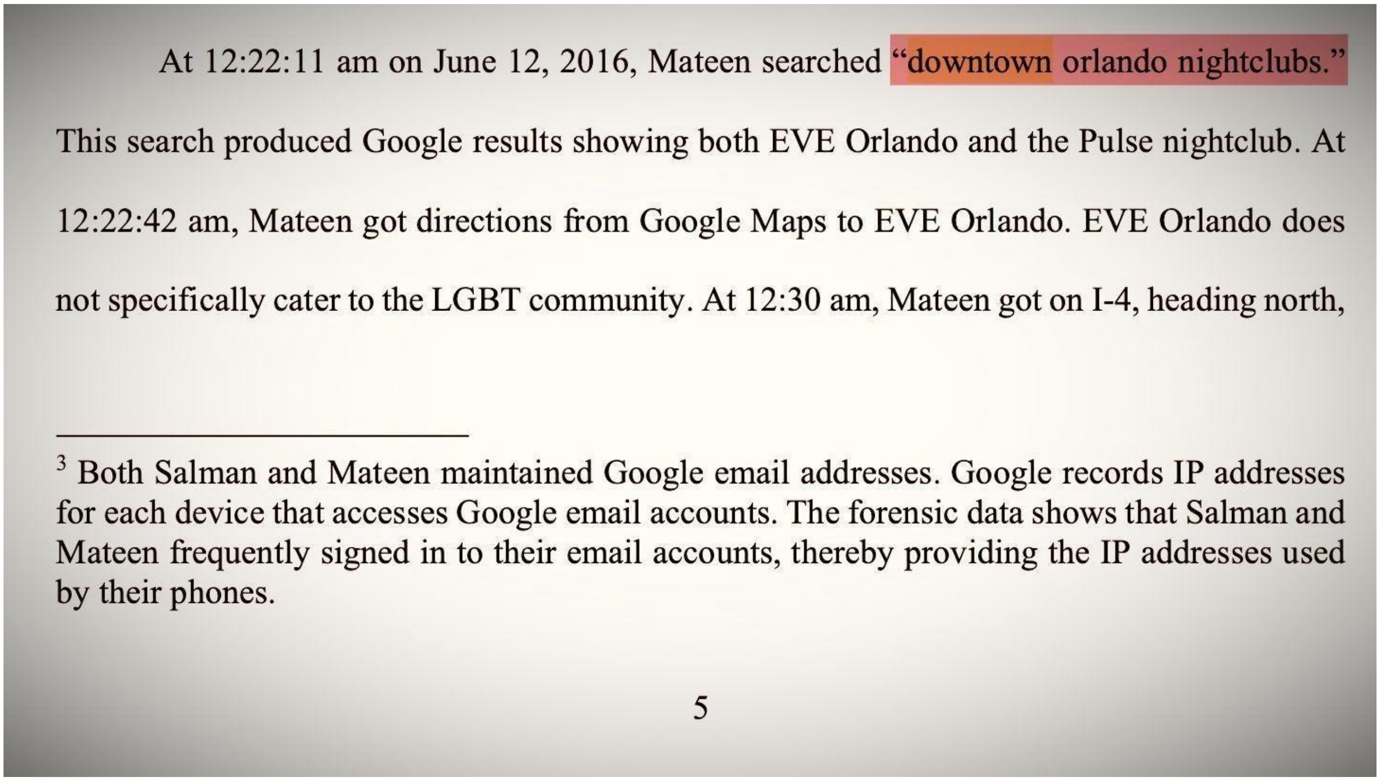
[34] See, *PULSE: The Untold Story* by Trevor Aaronson, Audible (2024), https://www.amazon.com/Audible-PULSE-The-Untold-Story/dp/B0D3VNB8G9

[35] *Vielma v. Gruler*, No. 18-15162, United States Court of Appeals for the Eleventh Circuit, April 6, 2020. https://casetext.com/case/vielma-v-gruler-1

[36] Exhibit 100. *United States of America v. Noor Zahi Salman (2008).* https://youtu.be/eKfOmeGwHc0?si=tHePi_MqYaXSmhEd

[37] *Document 287*, "Defendant's Motion to Preclude Improper Argument in Opening Statement," *United States v. Noor Zahi Salman* (2018), Filed March 5, 2018, Case 6:17-cr-00018-PGB-KRS. https://www.documentcloud.org/documents/4402891-Doc-287-Defendant-s-Motion-to-Preclude-Improper/

specifically cater to the LGBT community.



At 12:22:11 am on June 12, 2016, Mateen searched "downtown orlando nightclubs." This search produced Google results showing both EVE Orlando and the Pulse nightclub. At 12:22:42 am, Mateen got directions from Google Maps to EVE Orlando. EVE Orlando does not specifically cater to the LGBT community. At 12:30 am, Mateen got on I-4, heading north,

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[3] Both Salman and Mateen maintained Google email addresses. Google records IP addresses for each device that accesses Google email accounts. The forensic data shows that Salman and Mateen frequently signed in to their email accounts, thereby providing the IP addresses used by their phones.

Excerpt from Document 287: Excerpt from Page 5 of *Document 287* (*United States of America v. Noor Zahi Salman*, 2018). Motion was filed on March 5, 2018, with the Middle District of Florida. Case 6:17-cr-00018-PGB-KRS. *Source: Middle District of Florida*.

PULSE appeared in the shooter's Google search results for "*downtown orlando nightclubs*," which the shooter re-ran at 1:01 am prior to making his way to the nightclub.

PULSE was not legally approved to operate as a nightclub. Public records obtained from the City of Orlando show that PULSE was only ever allowed to operate as a martini bar and restaurant due to local zoning restrictions.

The only cause for PULSE to appear in the shooter's Google search for "*downtown orlando nightclubs*" is due to the fact that the business was operating openly and illegally as a nightclub for years in violation of its Conditional Use Permit and the conditions set by the City's Municipal Planning Board. The City of Orlando knew this but did not enforce compliance for the entire time it was open – 12 years. This is one of many instances of selective enforcement and preferential treatment by the City's code enforcement apparatus.

Documented Proof PULSE Was Operating as a Nightclub in Violation of its Approved Use

We first discovered that Barbara Poma and Rosario Poma were operating PULSE as a nightclub in violation of its approved use in September 2019, as we were collecting and analyzing public records pertaining to other code violations and unpermitted renovations at the club; trying to figure out what was permitted and what was not. This was more than three years after the shooting.

These public records, which we have chronicled in *They Knew* (2020), show that PULSE was never permitted to operate as a nightclub or "dance hall"—the term used by the City's Zoning Department.

According to the records, PULSE was only approved by the City of Orlando's Municipal Planning Board to operate as a martini bar and restaurant, with numerous restrictions put in place that are clearly stated in the City's own documents pertaining to PULSE's Conditional Use Permit (CUP) approval.[38] According to the restrictions the Municipal Planning Board placed on PULSE, its owners were: (1) not allowed to charge customers a regular/nightly cover charges; (2) required to have a kitchen, restaurant seating, and adhere to the approved floor plan (the Pomas even provided the City with a sample menu of food items that were never served at PULSE); and (3) were prohibited from operating as an entertainment venue.

The designation of PULSE as a restaurant and martini bar makes sense, as Rosario Poma is a self-proclaimed restaurateur and ran a number of now-closed restaurants that served food in the Orlando area, including a BBQ restaurant inside of Orlando City Hall. Furthermore, the location of PULSE was not only near a church, which is why conditional-use approval was required, but it was also on the edge of a residential neighborhood with very few parking spaces available to customers.

The restrictions placed on PULSE are also clearly stated in a May 12, 2004, letter written by Dean Grandin, Planning Director for the City of Orlando, and sent to Rosario Poma (*See Appendix C*). In this letter, **he states that PULSE was not permitted to operate as a nightclub or dance hall**, which the City itself designated as Indoor Recreation as opposed to an "Eating and Drinking Establishment."

Grandin unmistakably states that Poma's building plans for PULSE were not "consistent" with the conditional use approval of the Municipal Planning Board because they showed "a dance floor, stage and nightclub-type lighting and sound system" and did not "show dining areas or significant kitchen facilities."[39]

Rosario Poma responded to this letter with a letter of his own. Poma stated, "the floor plan shall be revised to remove the dance floor and indicate an acceptable seating and table layout in the area previously shown as a dance floor."[40] Records show Poma submitted the revised floor plans and did nothing else. The physical building was never altered to adhere to those revised floor plans.

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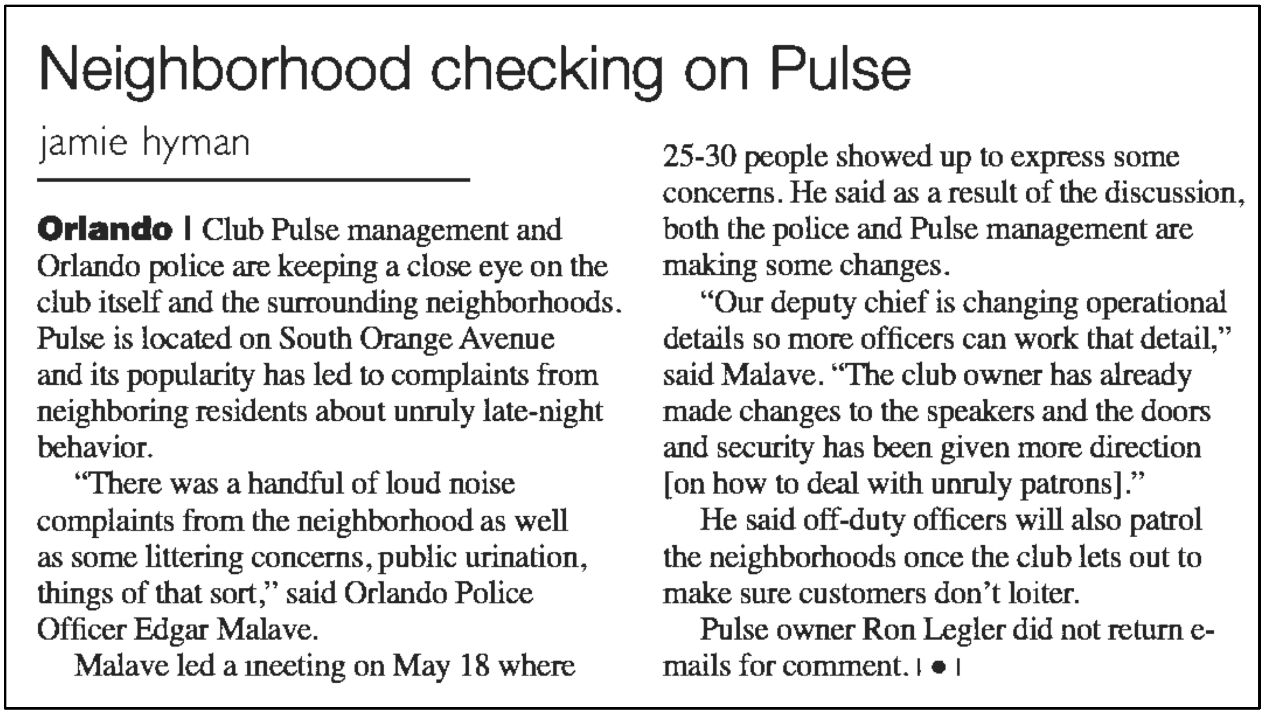
[38] See Municipal Planning Board's Conditional Use Permit (Appendix E).

[39] See, *They Knew*. Appendix H. Pages 21-22.

PULSE opened and was run by the Pomas as a nightclub for six years before issues at PULSE came to a boiling point. On May 18, 2010, surrounding residents demanded a meeting between the City of Orlando and PULSE owners over a myriad of issues at PULSE, including code violations.[41] The meeting was attended by dozens of residents and Rosario Poma, and was facilitated by the OPD. The Office of the Mayor kept a close eye on this, with Stephen Rhodes emailing live updates to now-retired Chief of Staff Frank Billingsley (who was also the former Director of Permitting) about who and how many people were showing up to attend.[42]

The meeting resulted in the City of Orlando making specific claims about changes that would be done at the nightclub. Orlando Police Officer Edgar Malave, who led the meeting, stated: "Our deputy chief is changing operational details so more officers can work that detail. The club owner has already made changes to the speakers, and the doors and security has been given more direction." At the time, Ron Legler (and not Barbara Poma) was publicly known as PULSE's co-owner, and he did not release a public statement.[43]



Neighborhood checking on Pulse

jamie hyman

Orlando | Club Pulse management and Orlando police are keeping a close eye on the club itself and the surrounding neighborhoods. Pulse is located on South Orange Avenue and its popularity has led to complaints from neighboring residents about unruly late-night behavior.

"There was a handful of loud noise complaints from the neighborhood as well as some littering concerns, public urination, things of that sort," said Orlando Police Officer Edgar Malave.

Malave led a meeting on May 18 where 25-30 people showed up to express some concerns. He said as a result of the discussion, both the police and Pulse management are making some changes.

"Our deputy chief is changing operational details so more officers can work that detail," said Malave. "The club owner has already made changes to the speakers and the doors and security has been given more direction [on how to deal with unruly patrons]."

He said off-duty officers will also patrol the neighborhoods once the club lets out to make sure customers don't loiter.

Pulse owner Ron Legler did not return e-mails for comment. | ● |

Coverage from Watermark: May-June 2010

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[40] See, *They Knew*. Appendix H. Pages 24.

[41] "Neighborhood checking on PULSE," Jamie Hyman, *Watermark*, May-June 2010.

[42] Emails between Stephen Rhodes and Frank Billingsley, Subject Line: <no subject>, May 18, 2010, 2:14 PM. "About 20 residents, Comm Diamond, Rosario all here for PULSE meeting;" Subject: Fw: "Make it 30…," May 18, 2020, 2:19 PM.

[43] "Neighborhood checking on PULSE," Jamie Hyman, *Watermark*, May-June 2010.

It is worth noting that months after the mass shooting, a resident who attended the 2010 meeting, Kathi Osiek, wrote an email to Mayor Buddy Dyer where she stated:

> *The residents asked for a heavier police presence, especially on the busy night and we were told that the city couldn't have more officers patrol our area that they had to concentrate on the downtown Orlando area because it was busier…*
>
> *We were told it had a max capacity of 400 per the fire marshall, kinda funny when the Resurant [sic] only had seating for 75 and a parking lot with 6-8 spaces.*

Before and after this meeting, multiple complaints were made about PULSE's code violations. Two years earlier, on April 7-9, 2008, City inspector Hery Crespo improperly closed a complaint (#241641) about PULSE's unpermitted patio and made the false claim that the nightclub's patio bar was permitted, when in fact the only thing that was permitted was the building's awning. On May 8, 2010, inspector Bernard Cote dismissed complaints and stated, "this person [Hanna] complains about this property every week." In his response to the complaint, he also falsely stated, "they have permits."[44] The City has zero documentation of any building renovation permits pulled by the PULSE owners.

On June 21, 2010, another complaint was filed about PULSE's CUP and zoning violations, which the City closed without ever addressing the issue. City inspector Bernard Cote again falsely claimed that "the establishment received full approval from the City to open as a nightclub in 2003" and wrongly closed the case.

We are not sure if this pattern of dismissing complaints regarding PULSE and failing to accurately check permits and enforce compliance was intentional or a series of egregious mistakes resulting from total and repeated negligence and incompetence. Regardless, it is clear that the City's Permitting Services Division lacked the supervision and leadership necessary to ensure compliance and public safety.

The City's employment records of now-retired inspector Bernard Cote corroborate a troubling pattern of inspection mistakes. On August 30, 2012, he received an Oral Reprimand for omissions/errors during a fire code review of the Plaza Theatre. He received another Oral Reprimand for omissions/errors during a fire code compliance review of the Bellagio Apartments on December 17, 2012. These occurred two years after his mistakes passing PULSE went unnoticed by supervisor, Timothy Johnson, who was Permitting Services Division Manager.[45]

Public records show that on May 20, 2010—just two days after residents, OPD, and City officials met with Rosario Poma—his employee Wendy Baker Truett sent Timothy Johnson building plans **that showed the extent of the unpermitted changes the owners made to PULSE**. These building plans remained in Johnson's inbox for six years, until after the shooting when a frantic search for updated building plans caused them to resurface.[46]

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[44] Incident ID: 285971, Building Permit Violation, City of Orlando, Permitting Division.

[45] Public Records Request 24-12813, City of Orlando. It is important to also note that Timothy Johnson was the sole owner of PULSE's unpermitted building plans sent to him by Rosario Poma on May 20, 2010.

When compared with the permitted building plans that the City had on file, they show what other documents corroborate. The PULSE owners:

- moved doors and walls that narrowed pathways to exits,
- added a new hallway separated the foyer from the nightclub's other areas,
- modified and moved bars,
- modified bathrooms and seating areas,
- added new stages for entertainment,
- opened up and expanded the dance hall,
- added rooms and a modified dressing room,
- and more…[47]

Following the neighborhood meeting, multiple public complaints, and obvious exterior code violations that were clearly visible from Orange Avenue, the issues at PULSE spurred another meeting between the City of Orlando and Rosario Poma about PULSE not complying with local laws. This meeting was not led by Code Enforcement or the Permitting Services Division, but was instead led by Lilian Scott, then Director of the Mayor's Business Assistance Team.

In preparation for this meeting, on August 20, 20210, Scott emailed City employees involved in the meeting photos, floor plans, and a document with the title 1912 S. Orange PULSE PDF.[48] The document chronicled multiple code violations and other issues at PULSE that needed to be remedied. These included:

- violations of PULSE's CUP,
- unpermitted exterior improvements, including unpermitted fence, unpermitted black canopy/awning structure, and unpermitted deck and concrete patio,
- blocked and walled-over required windows facing Orange Avenue,
- permitting issues, including a permit for the pylon sign never being inspected or "finaled,"
- improper occupancy changes, with no permits being pulled for a change of occupancy,
- and a list of unpermitted interior modifications including plumbing, wall removal, and relocation of the main bar.

Multiple parties, including Scott (the author of that document), Timothy Johnson, and Jack Richardson are all documented stating that the City needed to "verify the scope of work," "a site visit is recommended," and that the unpermitted work represented "operation conditions and compliance with those conditions will require a site visit during business hours." This site visit was never done. Compliance was never enforced.

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[46] Emails between Tisa Mitchell, Fiscal Manager of the City of Orlando's Economic Development department, Ruth McLemore-Price, Tammy Hughes, Laurie Nossair, Shihata Monib, Amy Iennaco, and others show the City scrambling to find PULSE's building plans on June 12-13.

[47] Compare building plans submitted with Permit BLDG2003-08240 with the May 20, 2010, building plans Rosario Poma submitted to Timothy Johnson to see the scope of the work done illegally, without permits at PULSE. These floor plans can be found on pages 39 and 52 of They Knew (Appendix H).

[48] See Appendix D.

Furthermore, Scott gave Rosario Poma two Options to remedy PULSE's CUP violation as "Next Steps" following this meeting:

> ***OPTION I***
>
> *The applicant can choose to comply with the approved Conditional Use Permit and convert the space to conform to the approved CUP floor plan (attached).*
>
> ***OPTION II***
>
> *The applicant can choose to amend the existing CUP and request for CUP approval to allow a nightclub at 1912 S. Orange Avenue.*
>
> ****Either option requires the applicant to obtain permits for any and all work that has been completed without permits.*

Rosario Poma never followed through with either of these options and the City of Orlando never followed up or enforced compliance. PULSE's one and only, unamended conditional use permit (CUP2003–00012) can still be seen on the City's permit search portal.[49] PULSE owners continued to operate PULSE in violation of its approved use.

Six years after this meeting, the mass shooting occurred with all of the unpermitted work and code violations at PULSE left unchecked.[50] Besides a few brief communications between the City and Rosario Poma, the City never followed up on these issues again. In the over 12 years that PULSE was open for business, the City never issued the Pomas a formal citation or enforced compliance, despite knowing about the code violations and unpermitted renovations.[51] Again, the Pomas never sought to obtain the proper permits, a new CUP, or did anything that the City said they needed to do to be in compliance with the law. They continued to operate PULSE as a nightclub with code violations and illegal modifications to the buildings, with no regard for public safety, which is why building codes exist.

It is critically important to emphasize that PULSE continued to operate illegally and with an illegal, unpermitted dance floor, where 20 victims were killed on June 12, 2016. Led by blaring Latin music, victims were drawn to and corralled into a crowded space that should not have existed—the unpermitted, illegal dance floor that was in direct violation of PULSE's CUP and was installed without permits.

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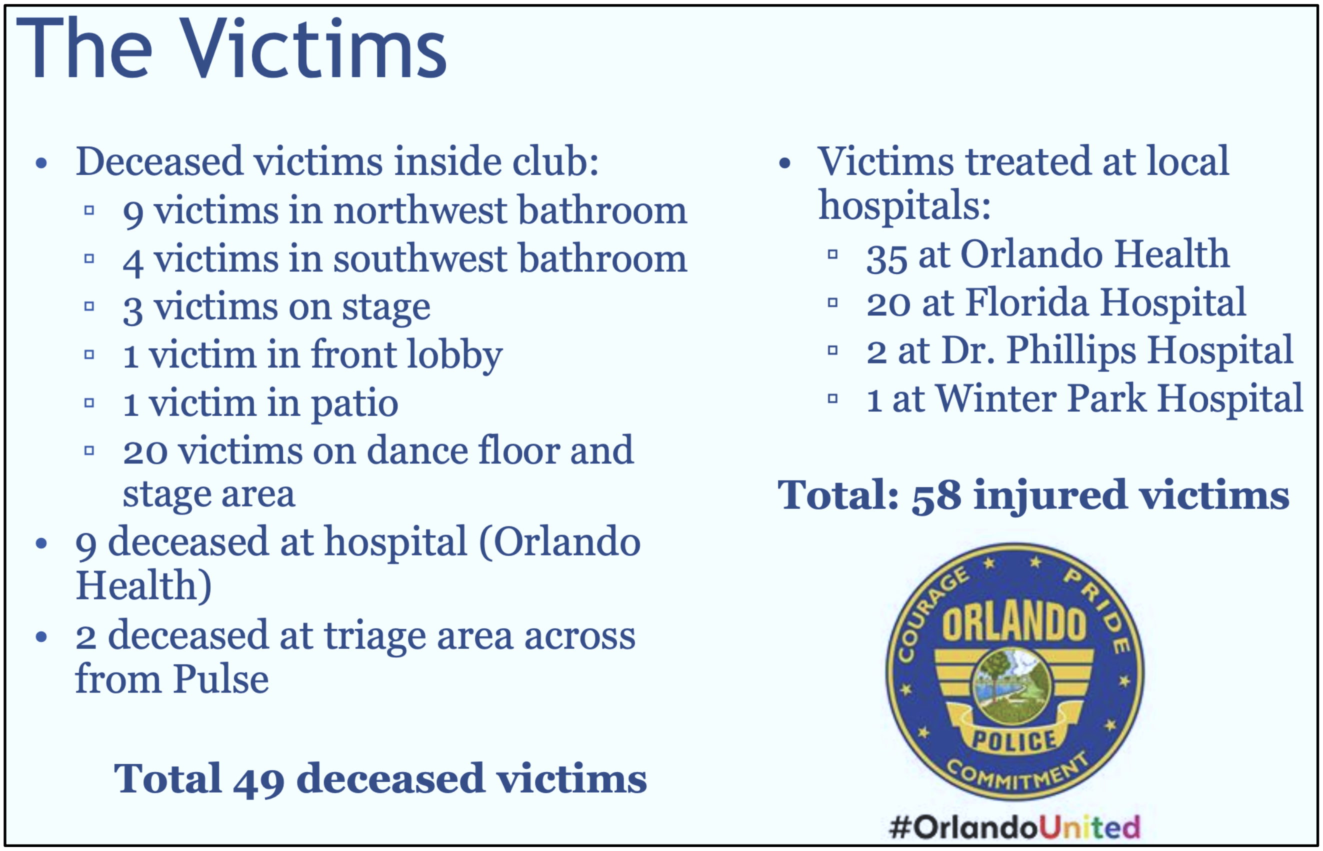
[49] https://permitlookup.cityoforlando.net/WebPermits/

[50] Heather Fagan admitted to this to the Orlando Sentinel, stating: "I really don't have the answer as to what happened and why it was never done." Fagan also said that the City handles thousands of permits annually, and it's possible this case wasn't prioritized. See, "Fence at PULSE wasn't permitted, but city never issued citation" Christal Hayes and Caitlin Doornbos, Orlando Sentinel, July 31, 2016. https://www.orlandosentinel.com/2016/07/30/pulse-fence-was-not-permitted-but-city-never-issued-citation/.

[51] See Appendix M.

This illegal, unpermitted space is where most victims were killed. A dance floor, by nature, is where people congregate around loud music. Many PULSE victims-survivors initially mistook the gunshots for part of the music.



The Victims

- Deceased victims inside club:
    - 9 victims in northwest bathroom
    - 4 victims in southwest bathroom
    - 3 victims on stage
    - 1 victim in front lobby
    - 1 victim in patio
    - 20 victims on dance floor and stage area
- 9 deceased at hospital (Orlando Health)
- 2 deceased at triage area across from Pulse

Total 49 deceased victims

- Victims treated at local hospitals:
    - 35 at Orlando Health
    - 20 at Florida Hospital
    - 2 at Dr. Phillips Hospital
    - 1 at Winter Park Hospital

Total: 58 injured victims

#OrlandoUnited

Slide 46: A slide from John Mina's 78-page presentation that he gave to police groups around the world in 2019 that shows where on the nightclub property victims were murdered. The *Orlando Sentinel* reported on this presentation, and we requested it in 2020.[52] According to autopsy reports, there are 8 victims with hospital bands, **not 9 as listed by Mina**.

The Pomas may not have pulled the trigger, but public records and survivor testimony shows that building, zoning, and life safety code violations created the conditions for a mass casualty event whether it would have been cause by a fire or a shooting. These preventable conditions undeniably contributed to the scale of harm.

The definition of culpable negligence is this:

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[52] "New PULSE review from Orlando police reveals details, lessons learned," by Caitlin Doornbos, Christal Hayes, David Harris, and Gal Tziperman Lotan, *Orlando Sentinel*, August 18, 2019. https://www.orlandosentinel.com/2017/04/13/new-pulse-review-from-orlando-police-reveals-details-lessons-learned/

> "*The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.*"[53]

Making unpermitted modifications to a public business—when the permitting process exists specifically for safety—is a blatant disregard for human life. After being notified by the City, the Pomas even refused to correct these violations and continued breaking local laws, including operating as a nightclub without the proper approval and in violation of its CUP and making additional, unpermitted changes to the business.

The Pomas allowed crowds to gather in a space not approved for such use, charged a nightly cover in violation of the CUP, implemented illegal, unpermitted renovations, and repeatedly ignored safety regulations—leading to a pattern of claims of overcrowding.[54] The Pomas never attempted to comply with building, zoning, or even several State-mandated fire safety laws.

In addition to documented noncompliance with applicable laws, records show that they attempted to influence Fire Marshal Tammy Hughes to avoid enforcement of an Orlando Fire Department (OFD) requirement to install a specific fire alarm system for the safety of its customers. In the letter Poma's employee, Wendy Baker, sent to Hughes sent on April 8, 2009, she states that PULSE is not able to install "such an elaborate [fire alarm] system" because the Pomas did not have the money to do so.

Baker then falsely stated, "we will work with the Fire Marshal's office as well as permitting office to ensure that all work is done properly..." However, most disturbingly, she then proceeds to fabricate potential business consequences to influence the City's decision and avoid installing this fire alarm system, stating, "If we are not allowed such time to do this project, we will be forced to close our doors and terminate employment for over 30 staff members."

Baker's written attempt to influence the Fire Marshal's decision by implying that enforcing fire safety requirements would result in job losses carries elements of economic coercion—using the threat of financial harm (in this case, layoffs and business closure) to pressure the City into making an exception to fire safety laws and requirements. The statement may reasonably be interpreted as an attempt to influence officials to reconsider or delay enforcement of applicable safety requirements and could be viewed as a form of undue regulatory pressure.[55]

The Pomas' actions to modify the building and operate the business in violation of codes—and inaction in failing to correct compliance issues over the span of years—demonstrate a willful disregard for the safety of the patrons that PULSE served.

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[53] See Appendix A. Pg. 3.

[54] See email from Mark E. Ripplinger (OFD) to Thomas M. Blaha (OFD) sent on May 4, 2007, at 1:24 PM stating, "We recently had an OPD officer tell she frequently thinks the PULSE, on the corner of Orange and Esther is overcrowded. Also, Esther St. will be lined with cars making passage of a fire truck doubtful at times. Wednesday and Saturday seem to be the busiest times." The mass shooting happened on a Saturday night (early Sunday morning).

[55] See *They Knew* (Appendix H). Pg. 186.

Had PULSE been operating legally to code and in compliance with local laws as a martini bar and restaurant, it would have never shown up in the shooter's search for "*downtown Orlando nightclubs*" because it would not have been operating as a nightclub. PULSE would have been only searchable and discoverable as a restaurant, as required by its CUP.[56]

These documented facts raise serious concerns that the PULSE owners' noncompliance with applicable laws and safety regulations contributed to the conditions that made PULSE the site of the shooting—conditions that would have been preventable had they followed the law and operated their business in compliance with its permitted use. Had PULSE been operated in accordance with City regulations, it would have functioned as a restaurant rather than a nightclub. It was the shooter's mobile Google search for "*downtown orlando nightclubs*" that led him to PULSE that night.

The shooter never searched for "gay bars," "martini bars," or "restaurants," which PULSE should have been operating as if its owners followed the law, their CUP, and approved use as established by the City of Orlando's Municipal Planning Board.

Of course, this dereliction of duty by PULSE business owners Barbara Poma and Rosario Poma to follow the law is in addition to other malfeasance that records show contributed to the death and injury of shooting victims.

For example, the lack of security presence at the door enabled the shooter to walk into the nightclub not once, but twice without ever being stopped, checked, or screened.[57] The first time the shooter entered PULSE, it appears it was to observe the venue. After 17 minutes, he left and retrieved his rifle from the car, and walked back in. No one could see him returning to the front entrance of the nightclub carrying a long rifle as he walked across the front of the nightclub because he was partially concealed by the illegal, unpermitted fence that enclosed PULSE's unpermitted patio. Security was still not present at the door, and he was able to walk right into the nightclub—legally required to be kept a gun-free zone—with his guns and ammunition. This is all documented by the nightclub's own surveillance footage.[58]

This lack of security was allowed to happen despite PULSE's April 8, 2009, claim that it "always had Orlando Police officers [plural] working at our establishment to ensure our guests safety on the evenings we are open."[59] There was no security at the front door, despite the security changes both the City and Rosario Poma claimed to have made after the meeting with neighbors that occurred on May 18, 2010.[60]

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[56] More records on the topic of PULSE's CUP violation can be found on our website, here: https://www.pulsefamilies.com/post/conditional-use-permit-pulse-was-not-permitted-to-operate-as-a-nigthclub-dancehall.

[57] "PULSE nightclub security guard, once hailed a hero, is being sued by victims of the mass shooting," Meagan Flynn, *Washington Post*, June 8, 2018. https://www.washingtonpost.com/news/morning-mix/wp/2018/06/08/pulse-nightclub-security-guard-once-hailed-a-hero-is-being-sued-by-victims-of-the-mass-shooting/

[58] Exhibit 100. *United States of America v. Noor Zahi Salman (2008).*

[59] See Wendy Baker letter sent to Fire Marshal Tammy Hughes on April 8, 2009.

[60] Statement from Orlando Police Officer Edgar Malave PPR16-2284.

According to a handwritten note written by an undisclosed City employee that was released as part of the City of Orlando's PULSE Tragedy Public Records document dump,[61] Rosario Poma claimed he hired additional police security following a discussion Poma had with the City on August 6, 2010.[62] However, there was only one OPD officer working extra duty at PULSE on June 12, 2016, Detective Adam Gruler, who abandoned his station at the PULSE entrance allowing the shooter to walk in unchecked. Gruler then failed to follow Active Shooter Protocol and watched the shooter fire off rounds as he shielded himself behind a vehicle.

Another handwritten note dumped by the City of Orlando with no disclosed author, date, or context—but clearly written by someone with the City regarding Rosario Poma—states, "Also, you must provide safety for your customers and continue with OPD on site."[63] If extra-duty OPD officers were diverted from their on-site security role to pursue off-site incidents, including fleeing underage drinkers, this raises significant concerns about whether adequate staffing was in place to ensure continuous security at the front entrance. The documented events of June 12, 2016, clearly indicates that required security protocols and staffing were not consistently maintained.

Moreover, the City never inspected the PULSE building, even after 2010 when it documented its knowledge that the PULSE owners extensively modified the interior and exterior without permits. Notably, records indicate that no comprehensive post-incident building inspection was conducted by the City of Orlando following the shooting, raising significant questions about missed opportunities for evidence collection and documentation. Even more troubling, **there's no record that PULSE ever underwent and/or passed a final building inspection before opening to the public and being granted a Certificate of Occupancy.**[64] This represents a pattern of serious systemic failures by the City of Orlando.

Permitting records indicate a hold was placed on PULSE's final building inspection until the CUP issue was resolved.[65] According to information provided to us directly from the Permitting Division, the HwO abbreviation listed on the Final Inspection of PULSE in the City of Orlando's permitting system stands for "Hold with Override."[66] There is no indication that the final inspection was ever done or completed. The case was subsequently frozen. Furthermore, **the City has stated** in response to multiple different records requests for this information **that it has no photos or records of a building inspection being**

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[61] "PULSE Tragedy Public Records," City of Orlando, https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/PULSE-Tragedy-Public-Records.

[62] See *They Knew* (Appendix H). Pg. 190.

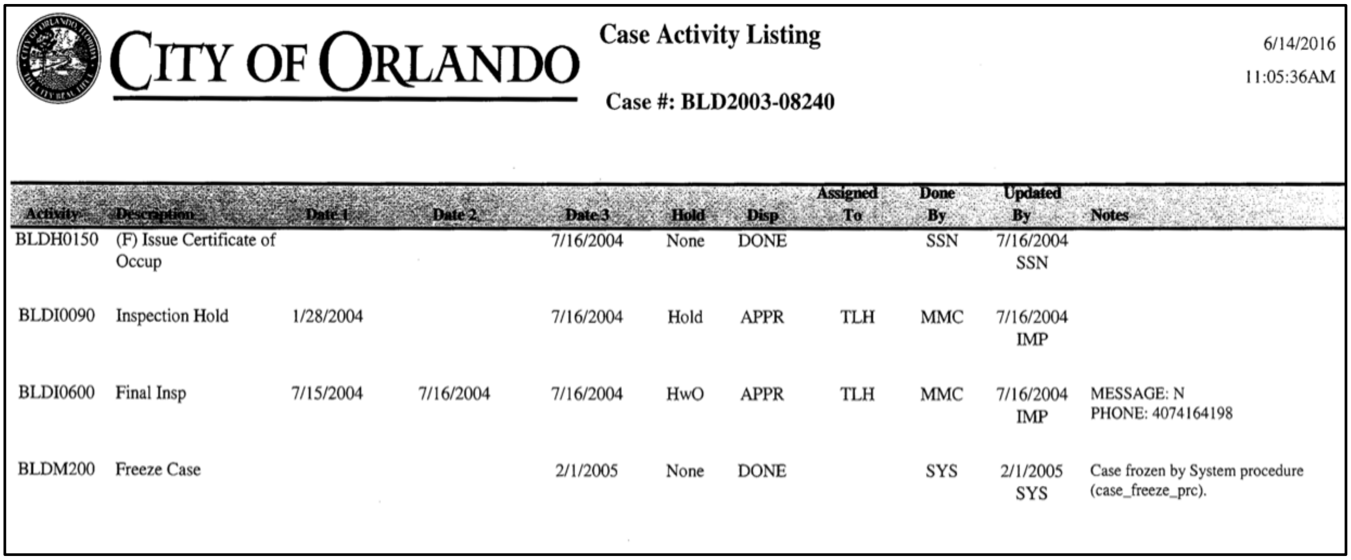
[63] See *They Knew* (Appendix H). Pg. 189.

[64] Request 21-6738.

[65] Also see *They Knew* (Appendix H). Pg. 12. 1912 S. Orange Avenue. "05/6/04 - Heather Middleton placed a hold on ABL2004-0057 until permitted use issue is resolved."

[66] Email to Zachary Blair from Digital Permitting, July 2, 2021, 1:24 PM. Subject line: HwO on Permits. City of Orlando.

completed at PULSE.[67]



CITY OF ORLANDO

Case Activity Listing

6/14/2016
11:05:36AM

Case #: BLD2003-08240

Activity	Description	Date 1	Date 2	Date 3	Hold	Disp	Assigned To	Done By	Updated By	Notes
BLDH0150	(F) Issue Certificate of Occup			7/16/2004	None	DONE		SSN	7/16/2004 SSN	
BLDI0090	Inspection Hold	1/28/2004		7/16/2004	Hold	APPR	TLH	MMC	7/16/2004 IMP	
BLDI0600	Final Insp	7/15/2004	7/16/2004	7/16/2004	HwO	APPR	TLH	MMC	7/16/2004 IMP	MESSAGE: N PHONE: 4074164198
BLDM200	Freeze Case			2/1/2005	None	DONE		SYS	2/1/2005 SYS	Case frozen by System procedure (case_freeze_prc).

Orlando Permitting Division PULSE Case Activity Listing: Case Activity Listing entries for PULSE prior to opening in 2004, which shows HwO for the Final Inspection and that the Case was frozen. (*Source: City of Orlando, Permitting Division*).

Through our meticulous investigation and forensic analysis, we have uncovered a comprehensive picture of what happened prior to the mass shooting on June 12, 2016. Informed by our investigation, we compiled the following list of investigative questions that we provided to local and Federal law enforcement agencies to help inform official investigations. To date, none of the questions were ever asked or answered:

- Why did the City of Orlando knowingly fail to enforce its own laws when it came to PULSE, but not other businesses throughout the City?
- Why were the Pomas given special treatment, when other Orlando businesses and residents have been severely policed by the City's Permitting Division and Code Enforcement staff?
- What is the reasoning behind the City's use of selective enforcement?
- Why were the Pomas allowed to operate PULSE with so many violations for over a decade?
- Why were these violations and unpermitted renovations never documented in inspections of the building? Why did the City never conduct building inspections of PULSE, including after the shooting? Why did the City continue to ignore the repeated requests of survivors and families of the deceased to conduct a building inspection, even after the building was purchased by the City in 2023 and remains in its ownership?
- Who called off the planned inspection of the building after the shooting?
- Why did the Office of the Mayor call the Permitting office after the shooting and tell them to

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[67] For example, see Request 21-6738 for "All documents related to the final building inspection of PULSE," to which the City responded, "No Responsive Records. The City of Orlando does not have additional public records responsive to the request other than what has previously been released."

"wipe the server," as Orlando Commissioner Shan Rose disclosed behind the scenes to us and the media in 2021?

The answers to these questions are not required to establish criminal liability for the Pomas; however, they are critical in uncovering the nature of their relationship with the City, Mayor Buddy Dyer, former Chief of Staff Frank Billingsley, and others in the Office of the Mayor, as well as the systemic failures in code enforcement that allowed PULSE to operate as an unsafe establishment. Accountability for these failures is the only path to meaningful reform of the City's permitting and code enforcement practices. Without it, the pattern will continue — and Orlando residents and visitors will remain at risk in businesses whose owners have the protection of City Hall.

City Publicly Denies Information Documented in Its Own Public Records

Through our publications and public protest, we have consistently pointed out the fact that Barbara Poma and Rosario Poma violated PULSE's Conditional Use Permit (CUP). When we engaged with local media outlets, the City squashed reporting on the matter by issuing statements that claimed our fact-based allegation was wrong. City spokespersons flat out denied the fact that the Pomas violated PULSES's CUP and issued statements that contradicted what was documented in the City's own records. Another reason why we chose to begin this report with this foundational CUP issue is because the OPD verified our fact-based allegation in its 2024 involuntary manslaughter investigative report that PULSE was not permitted to operate as a nightclub. The City needs to also be held accountable.[68]

The OPD made the following statements in their final report that corroborate our fact-based allegation that PULSE operated as a nightclub in violation of its CUP:

- "This section documents the City of Orlando's determination PULSE was operating outside of their CUP for a martini bar/restaurant and was conducting business as a nightclub."

- "At no point does Poma acknowledge or address the City of Orlando's request for a new CUP to comply with PULSE operating in practice as a nightclub, instead of as a martini bar / restaurant, which PULSE was approved for."

- "Numerous documents are presented from 2005, 2008, 2009, and 2010 in which PULSE acknowledges having a dance floor, which is contrary to Rosario Poma's May 14, 2004, letter where he stated PULSE would be removing their dance floor."

- "While Code Enforcement Inspector 'Bernard' closed out this complaint stating, "This establishment received full approval from the City to open as a nightclub in 2003," this statement is inaccurate.”[69]

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[68] Appendix A includes the original OPD "investigative" report, accompanied by our critical analysis of their work and the flawed conclusions reached by OPD investigators.

This “investigative” report marked the first time we received clear confirmation from the City that PULSE was indeed operating as a nightclub in violation of its conditional use permit until the shooting permanently shut the business down. Contrary to what several of the City’s records spanning years plainly state, the Office of the Mayor has been telling the public a different story since 2019 and has flat out denied this fact. When pressed by WESH 2 about the inconsistencies between the City’s contemporary statements and the documented record, former city official Cassandra Bell stated, “that records do ... show there were inconsistencies with the cup. However, it's important you understand these inconsistencies were not related to life safety issues.” With this statement, the City purposely made a false correlation in a clear effort to improperly dismiss the issue as having any merit or substance.

When scrutinizing the full picture of evidence, it becomes clear that the Pomas’ violation of the CUP not only relates to the creation of an unpermitted and noncompliant conditions that not only increased risk and shaped the circumstances under which the mass casualty incident occurred (i.e. a crowded nightclub), but also resulted in the venue being publicly presented and discoverable as a nightclub—consistent with the type of location the shooter was actively searching for on the night of the attack. Again, the shooter discovered PULSE by searching for “downtown orlando nightclubs” not “downtown orlando restaurants” or “downtown orlando martini bars.”

Before we went public with this allegation, we repeatedly asked the City of Orlando in multiple ways to confirm that PULSE was operating as a nightclub in violation of its CUP, but the City refused to answer any of our questions and eventually began ignoring our requests for answers completely. City Attorney Mayanne Downs responded to one request made by Dr. Zachary Blair via email on May 24, 2022, by stating, "We are in full compliance with the law on your requests for public records; we are not under any obligation, nor would it make sense, for us to provide a response to your requests for us to "confirm" any of your statements, for publication or any other purpose."

It was not always this way. As detailed later in this report, the Permitting Division was initially cooperative, thoroughly researching their records to answer our questions about PULSE. However, they were instructed to cease assisting us. Instead, the Permitting Division directed us to route all inquiries about PULSE through the City Attorney, the Public Information Officer (PIO), or the Records Department.

As a result, the City purposely imposed a new and unnecessary barrier to accessing information, allowing the City Attorney to monitor both incoming and outgoing records—another mechanism that gave the City of Orlando the power to control their false narrative. This process not only filtered information and delayed its release by months but also ensured that City officials had advance knowledge of what we were scrutinizing and what records would become public and when.

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[69] OPD Investigative Report (See Appendix A).

By refusing to provide direct answers, the City deliberately obstructed our investigative efforts and tried to discourage further inquiry, forcing us through the inefficient, costly, and bureaucratic public records process. This newly mandated process for accessing information about PULSE placed an undue burden on us to analyze, interpret, and validate our findings independently, when we could have simply received direct answers from the source. **The Office of the Mayor has not required this for any other property that the Permitting Division manages.**

For example, when we asked our questions through the City's Records Department as the Permitting Division instructed us to do, they gave us this response: "While we acknowledge receipt of your questions, please be advised that the Florida public records law requires the production of records but does not require that we answer questions. Therefore, the City of Orlando considers this matter to be closed."[70] Thus, the City knowingly directed us to a Department that was never going to provide us with answers.

When we asked multiple City Departments our questions, City Attorney Mayanne Downs responded to everyone and stated, “"Please do not engage with Dr. Blair. I'll continue to review his emails, in case he makes an appropriate records request to which we owe a response. Feel free to delete what he sends."[71]

This occurred after we asked Ms. Downs to stop using her private GrayRobinson email for official government business, something records show she was doing repeatedly, which prevented communications regarding official government business from showing up on the public record. She has continued to use her private emails for City business into 2026, with City officials emailing Downs using her DownsAaron email account rather than using her City email address in discussions of regular City business.[72]

In the years that the City refused to confirm the documented CUP issue, we followed the City's own 2010 memo created by Lilian Scott and asked for any records that showed PULSE owners amended their existing CUP, which was the first option the City gave them or applied for a new conditional use permit (Option II).[73] What came back was: "No Responsive Records."[74] In other words, PULSE owners never amended their CUP to operate as a nightclub/dancehall or applied for a new CUP to operate as a nightclub/dancehall.

This kind of onerous and resource-intensive public records research is what we were forced to do by the City of Orlando for all of PULSE's documented issues. Sometimes, we had to cast wide nets for public records in an effort to uncover the information necessary to verify and expand on what we already knew to be true from firsthand accounts from survivors, PULSE patrons and former employees, City whistleblowers, records previously released by the City and other local, state, and federal agencies, and additional primary sources of information.

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[70] Email from records@cityoforlando.net to Zachary Blair, Christine Leinonen, and Anita Busch, Subject: Re: Please Confirm Statements Re: PULSE, May 17, 2022. Email was sent in reference to Request 22-4635.

[71] Email sent from mayanne.downs@cityoforlando.net to Zachary Blair and 57 others on May 26, 2022, with the subject line, Re: PULSE Nightclub Code Violations and Unpermitted Renovations (Fourth Follow-Up).

[72] See email from Commissioner Shaniqua Rose to Zachary Blair, where Mayanne Down's private email address is CCed. February 25, 2025. Subject Line: Re: PULSE logo. City of Orlando.

[73] Appendix D.

[74] Request 21-6199.

Through dozens of requests related to this single issue, we were able to document that the only time the CUP for PULSE was ever amended was in 2017—after the shooting—when Barbara and Rosario Poma converted the property into an interim memorial, a fact we uncovered through Public Records Request 21-6203. This means that for years before the tragedy, the Pomas had been illegally operating PULSE as a nightclub in violation of both City code and its approved use as determined by the Municipal Planning Board. While the City may not have classified this as a life safety issue under Florida Fire Code, it became materially relevant to life safety on June 12, 2016, when the shooter was specifically searching for a nightclub.

Instead of providing us with this straightforward information when asked, the City of Orlando forced us through an unnecessarily extensive and time-consuming research process, requiring us to piece together key details through a series of snowballing public records requests. **This deliberate obstruction of access to public information** prevented us from getting answers for years—an obstruction of justice that not only concealed the City's failures but also shielded the Pomas from accountability. **This took place as we approached and passed the four-year statute of limitations to pursue civil litigation against the City of Orlando for its negligence.**

As we provided the records to journalists, the City repeatedly worked to publicly discredit us by deliberately crafting misleading public statements to continue to obscure these facts. Through calculated rhetoric and fabricated inconsistencies, the City worked to create confusion and sow doubt in the public sphere—an intentional strategy to evade accountability. For example, in June 2021, *Orlando Sentinel* reporter Kate Santich interviewed one of our most outspoken victim advocates, Dr. Zachary Blair, who is an anthropologist and was a former long-time PULSE patron. During his interview with Santich, Blair discussed the Pomas' violation of PULSE's CUP and shared some of the public records he acquired. She reported, "He [Blair] amassed hundreds of documents, including emails and code enforcement documents, that he claims show PULSE was never properly licensed to be a nightclub, which the City refutes."[75]

We identified a pattern of the City manipulating language to gaslight and confuse the media about the issues at PULSE through its public statements. So, we wanted to see exactly what City officials told the *Orlando Sentinel*. Through a series of public records requests,[76] we eventually acquired the City's statements that informed the newspaper's reporting that the City "refuted" the fact that PULSE was operating as a nightclub in violation of its CUP. Prior to this reporting, the City never publicly denied or

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[75] "Despite setbacks and critics, PULSE foundation pushes forward won a memorial and museum," David Harris and Kate Santich, *Orlando Sentinel*, June 10, 2021, https://www.orlandosentinel.com/2021/06/10/despite-setbacks-and-critics-pulse-foundation-pushes-forward-on-memorial-and-museum/.

[76] Requests 21-6209, 21-6463, 21-7480, and 22-3711.

“refuted” the fact that PULSE violated its CUP—a position that contradicts the City’s own records.

Through requests 21-6209, 21-6463, and 21-7480, which were fulfilled days and weeks after this article was published, we finally learned that PIO Cassandra Lasfer drafted a statement for PIO Samantha Holsten to give to Kate Santich via email.[77] This statement was written as follows:

> *For background, the City does not have a designation in our code for nightclubs. They are classified as "eating and drinking" establishments.*
>
> *Specific to this property, the owner applied for a Conditional Use Permit, which was approved to allow for an eating and drinking establishment with more than 51% of its revenue from the sales of alcoholic beverages within 1,000 feet of a church.*
>
> *The complaint logged with Code Enforcement in June 2010 alleged the establishment was in violation of the CUP, but there was no evidence found to support that allegation. The addition of a dance floor would not have been a violation of the conditions of the CUP.*
>
> *We have no records of any other complaints, and no records of any cited violations of the CUP.*

This public statement is false. First, nightclubs are not classified as “eating and drinking” establishments. This is clearly stated in the 2004 letter written by Dean Grandin, who was the City’s Planning Director at the time. In fact, Grandin clearly stated that nightclubs are NOT classified as “eating and drinking establishments” and are classified by the City of Orlando as “Indoor Recreation.”[78]

The second graph in the statement is true, PULSE was approved to allow for an eating and drinking establishment, but this is the crux of the problem. PULSE was operating as a nightclub, which is NOT classified as an eating and drinking establishment. Rosario Poma claimed he was going to operate PULSE as a martini bar and restaurant, and the City restricted the business’s use to exactly that.

Nightclubs are not considered eating and drinking establishments, which was clearly stated in the City’s code at the time and numerous documents created by city permitting, zoning, and development officials. This was also confirmed three years later by the OPD in its 2024 “investigation.” By mixing one truth with misleading, inaccurate, and partial statements, the City deliberately sowed confusion among local journalists and the public.

In the next graph, the City’s PIOs refer to the complaint logged in June 2010,[79] to say that there was no evidence found to support this allegation. City inspector Bernard Cote may not have found evidence to support this allegation because he failed multiple times to do his job correctly, which is documented in his employment record as well as in City records that show PULSE was operating in violations of its CUP. We were able to find the evidence, as did the OPD in their 2023-2024 investigation into the limited evidence we presented in our report *They Knew* (2020). The City did not find "any evidence to support this allegation" in June 2010 because of its own negligence and incompetence—as the City's leaders had this violation well documented in June 2010 and were actively addressing the issue directly with Rosario Poma, including days before and after Bernard Cote logged his entry in the City's system.[80]

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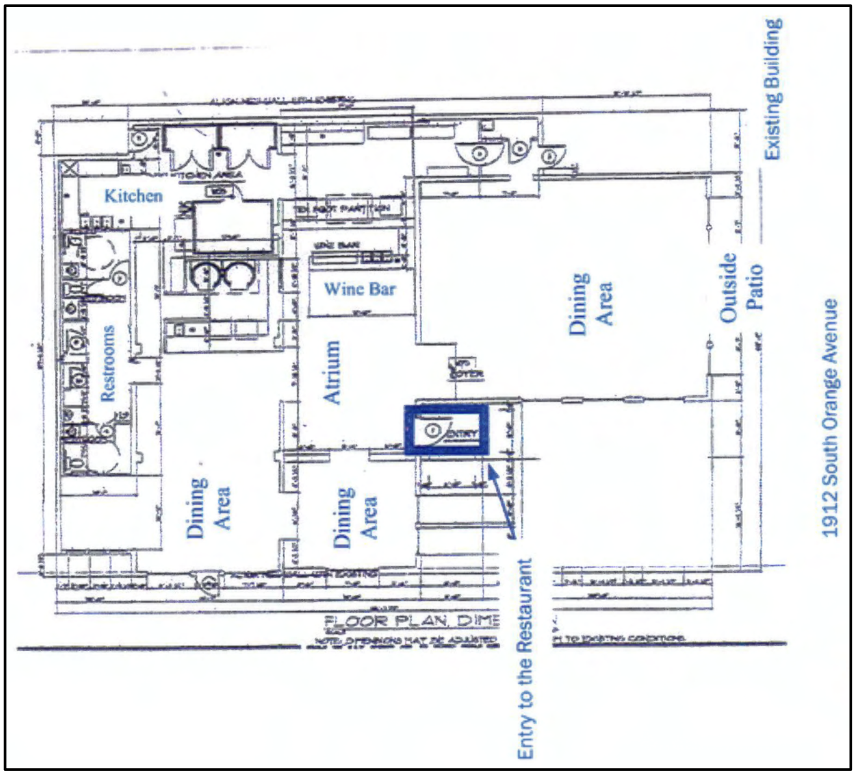
[77] Email sent from Cassandra A. Lasfer to Samantha Holsten, June 18, 2021, at 1:54 PM, Subject: For Kate. City of Orlando.

[78] See Appendix C.

[79] See *They Knew* (2020), Appendix H. Pgs. 35-36.

The City also stated that "the addition of a dance floor would not have been a violation of the conditions of the CUP." **This is also false.** The facts are laid out in multiple documents, including Grandin's direct communications with Rosario Poma. Any modification to the floor plan approved with the CUP would have violated the conditions required by the Municipal Planning Board. Even if the City's position is taken at face value, it raises important questions: Why did Rosario Poma revise the building plans—removing the dance floor and adding restaurant seating—following his May 13, 2004, meeting with Michael Rhodes, Manager of the Permitting and Code Enforcement Division? And what distinguishes a nightclub from a restaurant with a martini bar, if not a dance floor?



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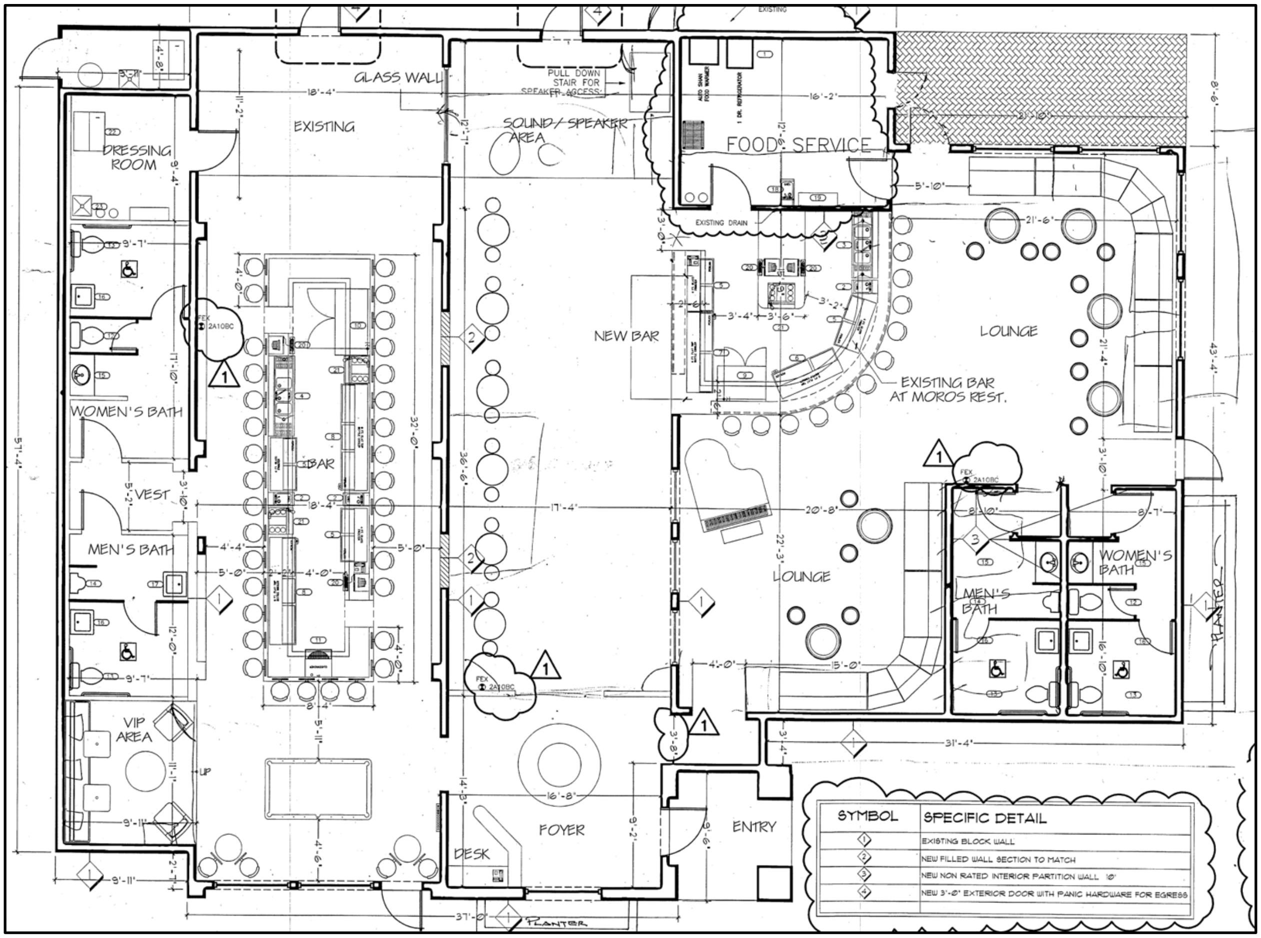
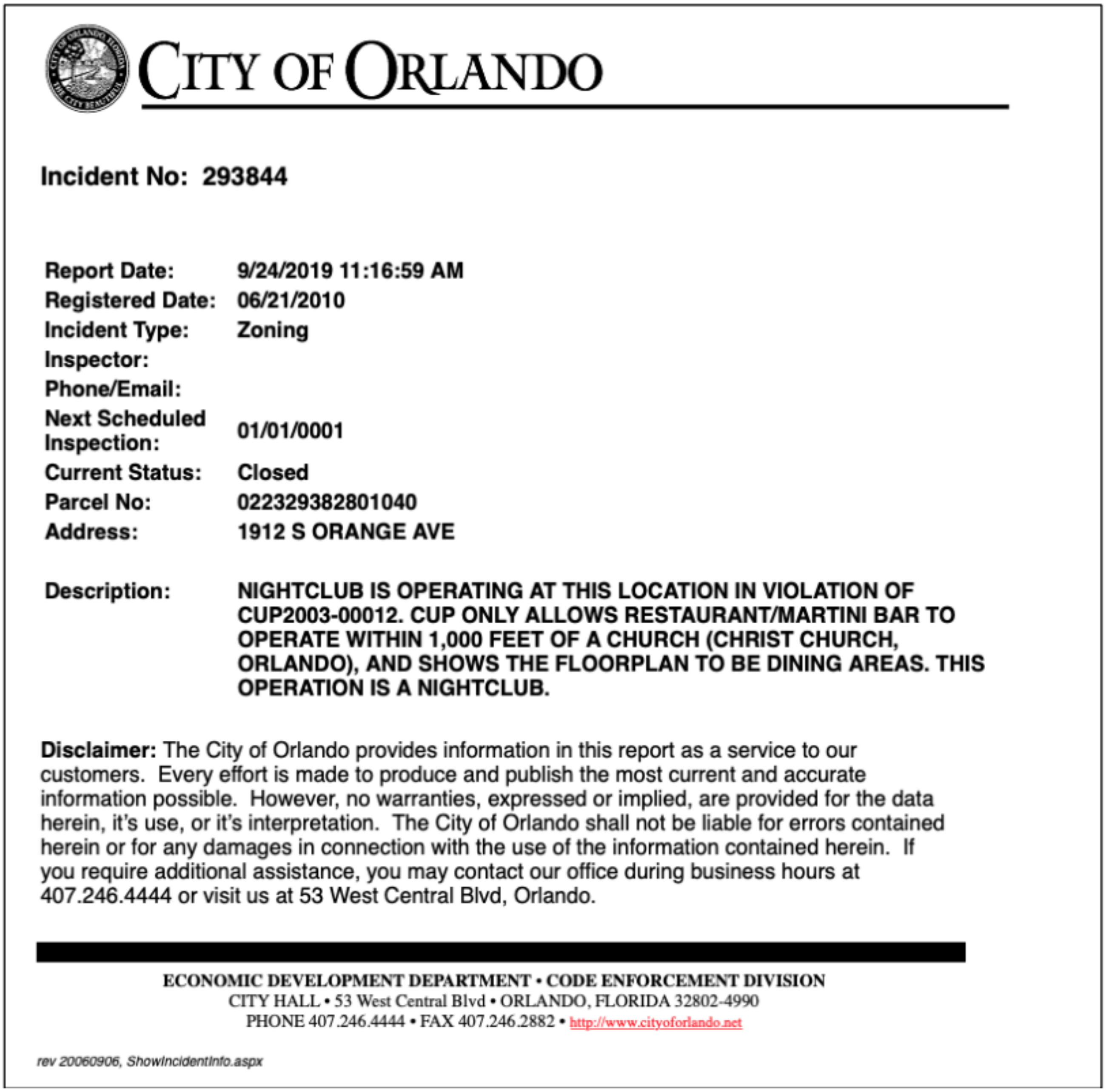
[80] See email from Jason Burton, Assistant Division Manager of the City Planning Division, sent on June 24, 2010, at 5:02 PM with the Subject: CUP2003-00012. Also see, Memorandum to Brooke Bonnett, Deputy Director of Economic Development, from Lilian Scott, Direct of the Mayor's Business Assistance team, sent on July 19, 2010, with the Subject: 1912 S. Orange Avenue.


GLASS WALL
PULL DOWN STAIR FOR SPEAKER ACCESS
SOUND / SPEAKER AREA
EXISTING
DRESSING ROOM
FOOD SERVICE
NEW BAR
BAR
LOUNGE
EXISTING BAR AT MOROS REST.
WOMEN'S BATH
VEST
MEN'S BATH
VIP AREA
FOYER
DESK
ENTRY
PLANTER
SYMBOL
SPECIFIC DETAIL
1 EXISTING BLOCK WALL
2 NEW FILLED WALL SECTION TO MATCH
3 NEW NON RATED INTERIOR PARTITION WALL 10'
4 NEW 3'-0" EXTERIOR DOOR WITH PANIC HARDWARE FOR EGRESS

PULSE'S Approved Building Plans: (Top) Building plans approved by the Municipal Planning Board for PULSE's CUP showing a restaurant and kitchen; (Bottom) Revised building plans of PULSE sent to the City in response to Dean Grandin's letter requiring Rosario Poma to remove the PULSE dance floor and stage and place restaurant-style seating. This, of course, is not how PULSE ever operated in reality. BLD2003-08240. (*Source: City of Orlando*).

The last sentence in the City's statement is also a lie by omission. City records contain at least one formal public complaint from 2010 regarding PULSE's CUP violation. While most residents would reasonably rely on the City to enforce its own codes and would not independently review permitting records, this complaint indicates that potential noncompliance had, in fact, been brought to the City's attention through the formal complaint process. Responsibility for enforcement rests with the City, not the public. Furthermore, there are no documented citations from the City because the City never cited PULSE for any of its documented violations, including the unpermitted fence that City Code Enforcement photographed as a code violation in 2010. The absence of documented enforcement action, despite identified violations, suggests that known issues at PULSE were not pursued through the City's formal enforcement channels.



CITY OF ORLANDO

Incident No: 293844

Report Date: 9/24/2019 11:16:59 AM
Registered Date: 06/21/2010
Incident Type: Zoning
Inspector:
Phone/Email:
Next Scheduled Inspection: 01/01/0001
Current Status: Closed
Parcel No: 022329382801040
Address: 1912 S ORANGE AVE

Description: NIGHTCLUB IS OPERATING AT THIS LOCATION IN VIOLATION OF CUP2003-00012. CUP ONLY ALLOWS RESTAURANT/MARTINI BAR TO OPERATE WITHIN 1,000 FEET OF A CHURCH (CHRIST CHURCH, ORLANDO), AND SHOWS THE FLOORPLAN TO BE DINING AREAS. THIS OPERATION IS A NIGHTCLUB.

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ECONOMIC DEVELOPMENT DEPARTMENT • CODE ENFORCEMENT DIVISION
CITY HALL • 53 West Central Blvd • ORLANDO, FLORIDA 32802-4990
PHONE 407.246.4444 • FAX 407.246.2882 • http://www.cityoforlando.net

rev 20060906, ShowIncidentInfo.aspx

Complaint No. 293844: Submitted to the City of Orlando on June 21, 2010, stating specifically that PULSE was violating its Condition Use Permit. As in response to other complaints, the City responded erroneously by closing this complaint without factual justification. (*Source: City of Orlando*)

Again, the fact (now verified by the City through the OPD) is that PULSE violated its CUP by operating as a nightclub. The additional restrictions placed on PULSE by the Municipal Planning Board are clearly documented in its CUP approval records for PULSE, as well as numerous other documents created in 2010—the last time the City addressed the violations at PULSE through direct conversations with Rosario Poma.[81]

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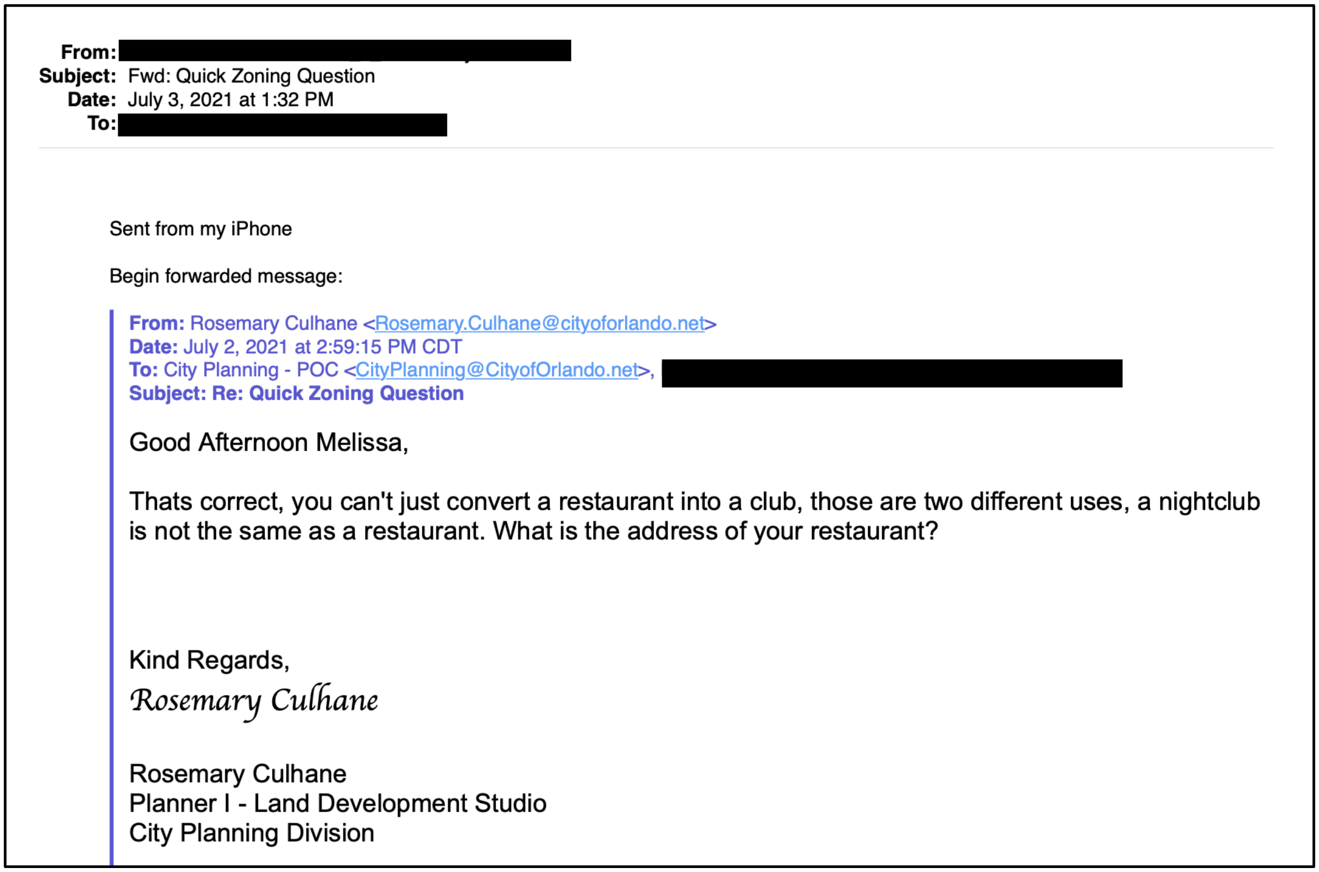
[81] See Appendix E.

After the City's statement to the *Orlando Sentinel* that nightclubs and restaurants had the same classification designation, on July 1, 2021, we reached out to the City of Orlando's Zoning Department. Knowing that City departments were prohibited from speaking about PULSE, an email was sent asking if someone could just turn a restaurant into a nightclub—in general.

Surprisingly, the person who responded was Rosemary Culhane, the same person from the City's Permitting Division who helped us get answers about PULSE's permits over the phone back in 2019. She was now working in the City Planning Division. She responded, "That's correct, you can't just convert a restaurant into a club, those are two different uses, a nightclub is not the same as a restaurant." **This response confirmed that the City's PIOs did not misinterpret city codes, but flat-out lied to *Orlando Sentinel* reporters weeks earlier.**



From: [redacted]
Subject: Fwd: Quick Zoning Question
Date: July 3, 2021 at 1:32 PM
To: [redacted]

Sent from my iPhone

Begin forwarded message:

> **From:** Rosemary Culhane <Rosemary.Culhane@cityoforlando.net>
> **Date:** July 2, 2021 at 2:59:15 PM CDT
> **To:** City Planning - POC <CityPlanning@CityofOrlando.net>, [redacted]
> **Subject: Re: Quick Zoning Question**
>
> Good Afternoon Melissa,
>
> Thats correct, you can't just convert a restaurant into a club, those are two different uses, a nightclub is not the same as a restaurant. What is the address of your restaurant?
>
> Kind Regards,
> Rosemary Culhane
>
> Rosemary Culhane
> Planner I - Land Development Studio
> City Planning Division

Email Response from Orlando Zoning Department: Email from Rosemary Culhane, Planner I from the City of Orlando's City Planning Division confirming that "a nightclub is not the same as a restaurant." This directly contradicts statements made by the City beginning in 2021.

It is clear from the City's own records, that the City had full knowledge that PULSE Nightclub operated as a nightclub in violation of its approved conditional use permit. The City, through its PIOs, chose to lie to the public and gaslight the media.

The City practiced the same kind of semantic maneuvering again to WESH 2 in 2024, stating, “At the time of the incident and during these discussions we did not have a classification for 'nightclubs.' At the time of the incident, the city characterized businesses such as pulse as 'eating and drinking' establishments." Grandin’s letter shows that the City considered at the time of those discussions that nightclubs to be classified as “dance halls” and “Indoor Recreation”—not “eating and drinking establishments.” The City did not change the laws identifying and affecting nightclubs until after the PULSE shooting and it was in 2022 when the City first falsely claimed that bars, nightclubs, and restaurants were previously all the same. This untrue claim directly contradicts Culhane’s 2021 statement.

As a result, the City has never been held accountable, and it has already repeated the same mistakes with the same PULSE nightclub property and the same owners. On October 9, 2017, Barbara Poma was given a Temporary Use Permit (TUP) to legally operate the Interim Memorial at 1912 S. Orange Avenue. This TUP was valid for only two years after the certificate of completion and expired on May 5, 2020. Barbara Poma let this permit lapse and ignored the City’s written notices. **She never renewed the permit and the City, once again, never cited Barbara Poma or enforced the law**. Instead, they allowed Barbara Poma to continue operating the Interim Memorial for more than a year after the CUP expired.[82]

This uncorrected violation occurred while Mayor Buddy Dyer, was a member of Poma’s onePULSE’s Chairman’s Advisory Council and while the City of Orlando’s Chief Protocol Officer Earl Crittenden (appointed by Mayor Dyer *and* a law partner of City Attorney Mayanne Downs) was Chairman of Poma’s onePULSE Foundation.

None of this was known until local journalists reported the onePULSE Foundation used the TUP’s expiration as a reason to stop leasing the property from Barbara Poma.[83] **Prior to this public debacle, the public did not know the nonprofit was leasing the land from its Founder and former Executive Director and also paying her property taxes and property maintenance costs.** Why did City officials never bother to force the Pomas, specifically, into compliance?

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[82] See letter sent to Barbara Poma from the Elizabeth Dang, Planning Official with the City of Orlando on Thursday April 15, 2021. City of Orlando. File Name: DET2017-10051 PULSE Memorial TUP Ext (1).pdf. Available through Request 21-6203.

[83] See: “Temporary use permit for interim PULSE memorial expires,” Adam Poulisse, *WFTV*, July 21, 2023. https://www.yahoo.com/news/temporary-permit-interim-pulse-memorial-222658392.html; and “onePULSE Foundation sends letter about memorial,” *WESH 2*, August 23, 2023, https://www.wesh.com/article/onepulse-foundation-letter/44883202.

Chapter 2: Unpermitted Renovations and Code Violations Hindered Escape and Rescue

Whistleblowers, Discovery, and a Grassroots Investigation

In August 2019, Patty Sheehan, City of Orlando Commissioner of District 4 (the same District as the PULSE nightclub) had a conversation with anthropologist, victim advocate, and long-time PULSE patron Dr. Zachary Blair after he published an op-ed in the *Orlando Sentinel* urging the public to critically rethink support for the onePULSE Foundation's privatized memorial for PULSE victims.[84]

During this emotional conversation, Commissioner Sheehan told him that she agreed with him completely and that if he wanted to stop Barbara Poma and the onePULSE Foundation from continuing to exploit the shooting, he needed to know about the unpermitted renovations at PULSE that hindered rescue.

She encouraged him to conduct his own research to find whatever evidence he could about moved walls and blocked exits and to get this information out to the public. As election season was approaching, Sheehan said this was her last time running for office and that after she won the election, she would join Dr. Blair and the PULSE victims/survivors he was helping organize against the onePULSE Foundation.

She also said that she was threatened by Barbara Poma and people at the onePULSE Foundation after she distanced herself from the nonprofit, which she supported in its initial years before she alleged the nonprofit was a total scam and grift.

Through subsequent phone calls, Sheehan concurrently gave this information to **Anita Busch** (retired investigative journalist and victim advocate) and **Christine Leinonen** (attorney, former law enforcement officer and mother of Christopher Andrew Leinonen, who was killed at PULSE). Months later, Sheehan told the same thing to a local news outlet. We asked for Sheehan's permission before we repeated what she told us to the media off the record.

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[84] "Reimagining a public PULSE memorial," by Zachary Blair. *Orlando Sentinel*, July 14, 2019, https://www.orlandosentinel.com/2019/07/14/reimagining-a-public-pulse-memorial-commentary/.

Orlando Commissioner Patty Sheehan Admits to Whistleblowing: On October 23, 2023, after years of being silent, Commissioner Patty Sheehan was confronted by Dr. Zachary Blair during a City Council Meeting where the City Council was to vote on purchasing the PULSE Nightclub property from the Pomas for an above-market price of $2M, without a recent and accurate appraisal and without a building inspection—despite our ongoing public calls for a comprehensive building inspection by an independent licensed inspector. For the first time, she publicly admitted to talking to Blair about the unpermitted renovations at PULSE. This happened as the City's Office of the Mayor continued to deny knowing anything about such issues at PULSE. Sheehan stated, "I was also concerned about… unpermitted renovations that I had heard about from some of the first responders… and I did have a discussion with Zachary Blair about that."[85]

After Sheehan first told us of the unpermitted renovations that hindered rescue, Dr. Blair began researching and collecting public records from the City of Orlando, as well as other state, local, and federal government agencies involved in the law enforcement response to the mass shooting and subsequent investigations. What began as a movement against the privatized memorial turned into a full-fledged, pro-bono investigation with records requests being financially backed by the families of deceased of mass shooting victims from tragedies across the country.

What we found was documented evidence, primarily from the City of Orlando, of exactly what Sheehan alleged: the presence of unpermitted renovations and code violations at PULSE that hindered escape and rescue. The most glaring in our initial records research included: (1) blocked exits and other obstructions to egress; (2) walled-over windows; (3) narrowed hallways; and (4) an unpermitted fence that survivors had to kick down and jump over to escape.

Rather than investigate the Pomas' violations of the law, records reveal that the City of Orlando moved to cover up these facts. The City never conducted a post-shooting inspection of the PULSE building and, in fact, cancelled a planned inspection specifically intended to document the full extent of its code violations.[86] With 49 people murdered at PULSE, 53 people wounded, and known code violations, the City's refusal to inspect the building raises a critical question: Why avoid an inspection—unless the City also bears some responsibility?

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[85] City of Orlando, City Council Meeting and Workshop, October 23, 2023. Clip can be viewed on our *YouTube* page, here: https://www.youtube.com/watch?v=VudCFi9eREE.

The cancellation of an inspection intended to document known violations raises serious questions about whether opportunities to fully document and preserve critical evidence were deliberately set aside.

As we showed in previous pages, **the City of Orlando failed to produce a single record that shows a final and complete building inspection was ever conducted at PULSE**. Not even from when PULSE's *permitted* renovations were completed before it opened in 2004. The last entry for PULSE's Case Activity Listing indicates a "Hold with Override" and our requests for PULSE's building inspection records have resulted in a "No Responsive Records" reply from the City of Orlando.[87] Furthermore, the City ignored years of written requests and public outcry from PULSE victims/survivors to conduct a comprehensive, independent building inspection of PULSE.[88]

Instead of helping victims and survivors get the answers they needed, the Mayor's Office became combative, evading direct questions about the shooting and the nightclub's violations. This deliberate obstruction stands in stark contrast to the Mayor's carefully crafted public image as a champion of PULSE victims and a supposed ally of the LGBTQ+ community. The City even refused to allow victims/survivors to pay for an independent building inspection after the City purchased the property in 2023.

Thus, Dr. Blair, Christine Leinonen, Anita Busch, and dozens of others from the PULSE-affected community continued to help organize victims/survivors and educate the public through sharing their experiences; organizing peaceful protests, press conferences, and marches; writing publications, letters, and articles about the issues; and maintaining an active online presence through the **Community Coalition Against a PULSE Museum** (CCAPM) and, after the nonprofit dissolved and the museum project was cancelled, **PULSE Families and Survivors for Justice**.[89]

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[86] See Tammy Hughes and Fire Department Chief Roderick Williams email, sent on Sunday June 12, 2016, at 12:34 PM with the Subject Line: 1912 S. Orange Ave, which states, "However, once the scene is safe I will have Fire Marshal Tammy Hughes evaluates [sic] the facility to ensure that it was in compliance with all applicable codes." Appendix H. Pg. 177.

[87] If anyone would like access to all of the public records we have pulled and all of the records requests that we have made, they can do so free of charge because we already paid for all of these records. Others in our group have sent separate requests from their emails, but the bulk of information was purposely collected through Zachary Blair so as much information as possible was consolidated and attached to a single account.

[88] For example, see "Mothers of pulse victims speak out about 7 years of pain," Natalia Jaramillo, *Orlando Sentinel*, May 14, 2023, https://www.orlandosentinel.com/2023/05/14/mothers-of-pulse-victims-speak-out-about-7-years-of-pain/; "Orlando commemorated the sixth anniversary of PULSE over protests of a planned museum," J.D. Casto and Alex Galbrath, *Orlando Weekly*, June 13, 2022, https://www.orlandoweekly.com/orlando/orlando-commemorated-the-sixth-anniversary-of-pulse-over-protests-of-a-planned-museum/Slideshow/31805306/31805324; and 2024 MLK parade, https://www.youtube.com/watch?v=NYvb8RBbwZ4.

Sheehan never publicly joined us in any of our numerous efforts to raise awareness and protest the onePULSE Foundation—despite her promises. She remained silent on the issue—even after securing re-election in 2019, contrary to her claim that it would be her last campaign. Instead, she ran again in 2023, won, and continued her silence.

For years, local law enforcement agencies and news media outlets failed to conduct in-depth investigations into PULSE's code violations and unpermitted renovations. In fact, the City's Public Information Officers (PIOs) and attorneys skillfully crafted statements to appease inquisitive journalists eager for breaking news. Instead of scrutinizing or verifying the City's statements, most reporters uncritically repeated the vague responses, misleading disinformation, and calculated denials, passing them along to the public before moving on to the next story. Once initial reports were published, journalists rarely followed up with the City to press for answers to unresolved questions. Additionally, struggling news organizations lacked either the resources or the willingness to invest the time and funding required to obtain the extensive public records from the City of Orlando that we ultimately acquired. This was complicated by the fact that the contentious presidential campaign between Hillary Clinton and Donald Trump, followed by the first Trump presidency, created an unrelenting news cycle that drew all eyes to the national stage and pulled focus away from PULSE.

In the immediate aftermath of the shooting, there were numerous investigations, but none of them addressed the illegal conditions at PULSE.[90] The FBI's criminal investigation was focused on the shooter, his wife, his father who was an FBI informant, and the shooting as an act of terrorism.[91] It did not encompass the issues of PULSE's unpermitted renovations and code violations, the police failure to follow Active Shooter Protocol, or the City's negligence and coverup.

When we met with the FBI in 2025, they made it clear that they at first believed that the code violations at PULSE fell under local and state jurisdiction, rather than federal and thus fell outside of their jurisdiction. Furthermore, the FDLE confirmed in 2026 that it did not investigate the shooting or anything other than their internal use of force investigation. They did not even have possession of the evidence required for any other investigation. As of 2026, the State Attorney's Office for the Ninth Judicial District only completed a standard "shoot review" of shots fired by responding officers. Lastly, the OPD's 2023-2024 involuntary manslaughter investigation, initiated by criminal complaints from dozens of victims' families and survivors, was not a serious or complete investigation, raised more questions than it answered, and left the core issues entirely unexamined.

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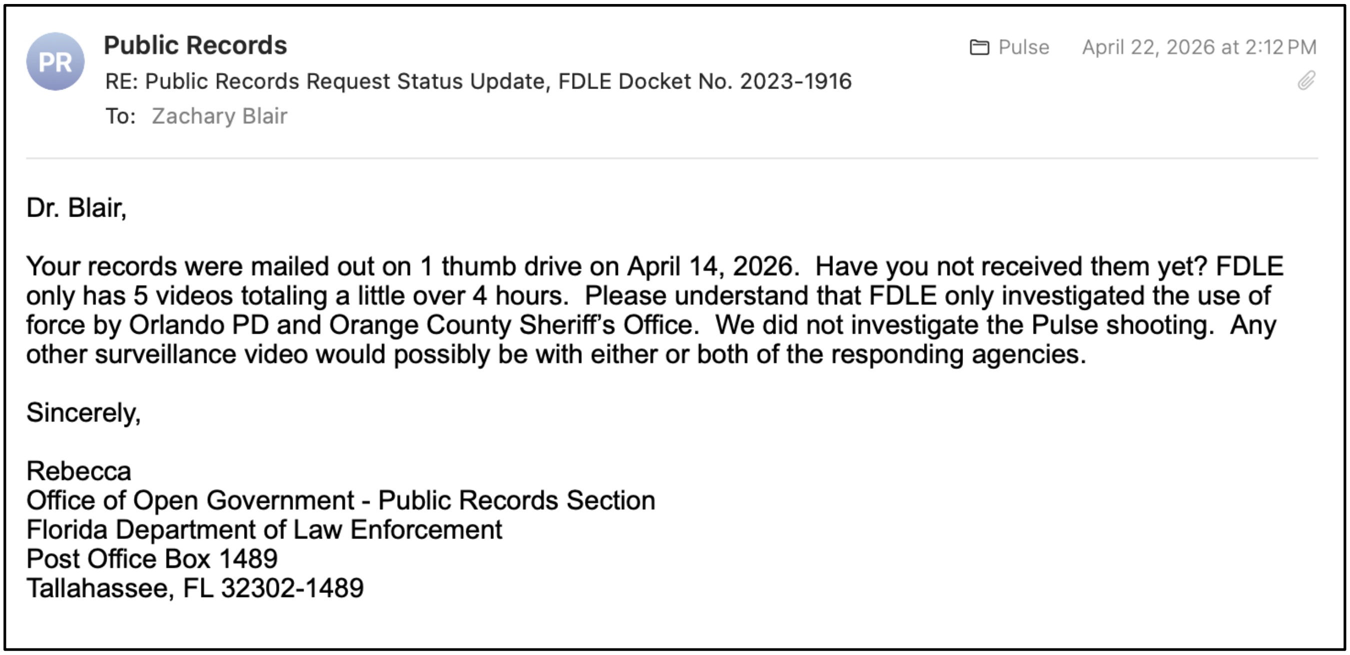
[89] The website for CCAPM can be found at http://www.nopulsemuseum.info and the website for PULSE Families and Survivors for Justice can be found at http://wwww.pulsefamilies.com.

[90] There is an ongoing civil premises liability and security negligence lawsuit, but this does not address the criminality of the Pomas actions when they broke the law to operate PULSE as a nightclub and illegally modify the building without permits.

[91] See, "PULSE: The Untold Story" by investigative journalist Trevor Aaronson on *Audible*. https://www.audible.com/pd/PULSE-Audiobook/B0D3VWSNM7



Public Records

RE: Public Records Request Status Update, FDLE Docket No. 2023-1916

To: Zachary Blair

April 22, 2026 at 2:12 PM

Dr. Blair,

Your records were mailed out on 1 thumb drive on April 14, 2026. Have you not received them yet? FDLE only has 5 videos totaling a little over 4 hours. Please understand that FDLE only investigated the use of force by Orlando PD and Orange County Sheriff's Office. We did not investigate the Pulse shooting. Any other surveillance video would possibly be with either or both of the responding agencies.

Sincerely,

Rebecca
Office of Open Government - Public Records Section
Florida Department of Law Enforcement
Post Office Box 1489
Tallahassee, FL 32302-1489

April 2026 Surveillance Footage Response Email from FDLE: Email from FDLE Public Records Department regarding the surveillance footage it has in its possession, which also disclosed the reason why it does not have possession of all surveillance footage taken from PULSE on June 12, 2016. "Please understand that FDLE only investigated the use of force by the Orlando PD and Orange County Sheriff's Office. We did not investigate the PULSE shooting."

Compounding the issue, the City gave the FBI, and the public, PULSE's inaccurate, unpermitted building plans without any indication they were both unpermitted and inaccurate—which further obscured the facts. Public records show that after the shooting, City officials scrambled to find the most recent building plans for the PULSE nightclub. The 2003/2004 building plans in the City's permitting system (*Tidemark*) and that the Fire Department had on file at the time of the shooting were even more outdated, showing that significant unpermitted changes were made to the PULSE building. The widely-disseminated 2010 building plans, which showed some of the nightclubs unpermitted renovations, were still not up-to-date and did not accurately reflect the building's true layout as it existed at the time of the shooting.[92]

For example, the 2010 plans (below) show a storage closet and door on the West side of the building accessible only from the exterior of the building that did not exist at the time of the shooting. **These plans, in addition to purposely misleading statements made by the City of Orlando, led to inaccurate public reporting about blocked exits and dismissals about hindered egress at PULSE.** This reporting was corrected nine years later after we uncovered the City's long-kept secret photograph of the blocked exit door.

The 2010 building plans also do not indicate that the "service alley" was to be entirely enclosed by the unpermitted fence, which it was on the night of the shooting. Rather, the building plans show that there was an open pathway on the northwest corner of the property for egress. However, not only was this area completely enclosed with the unpermitted fence that was attached to the awning of the roof with wood lattice, **but another Coke-branded beverage cooler was placed in front of what was designated as an open pathway for egress**.[93] Discussed later, the City utilized this second "Coke machine" to mislead journalists.

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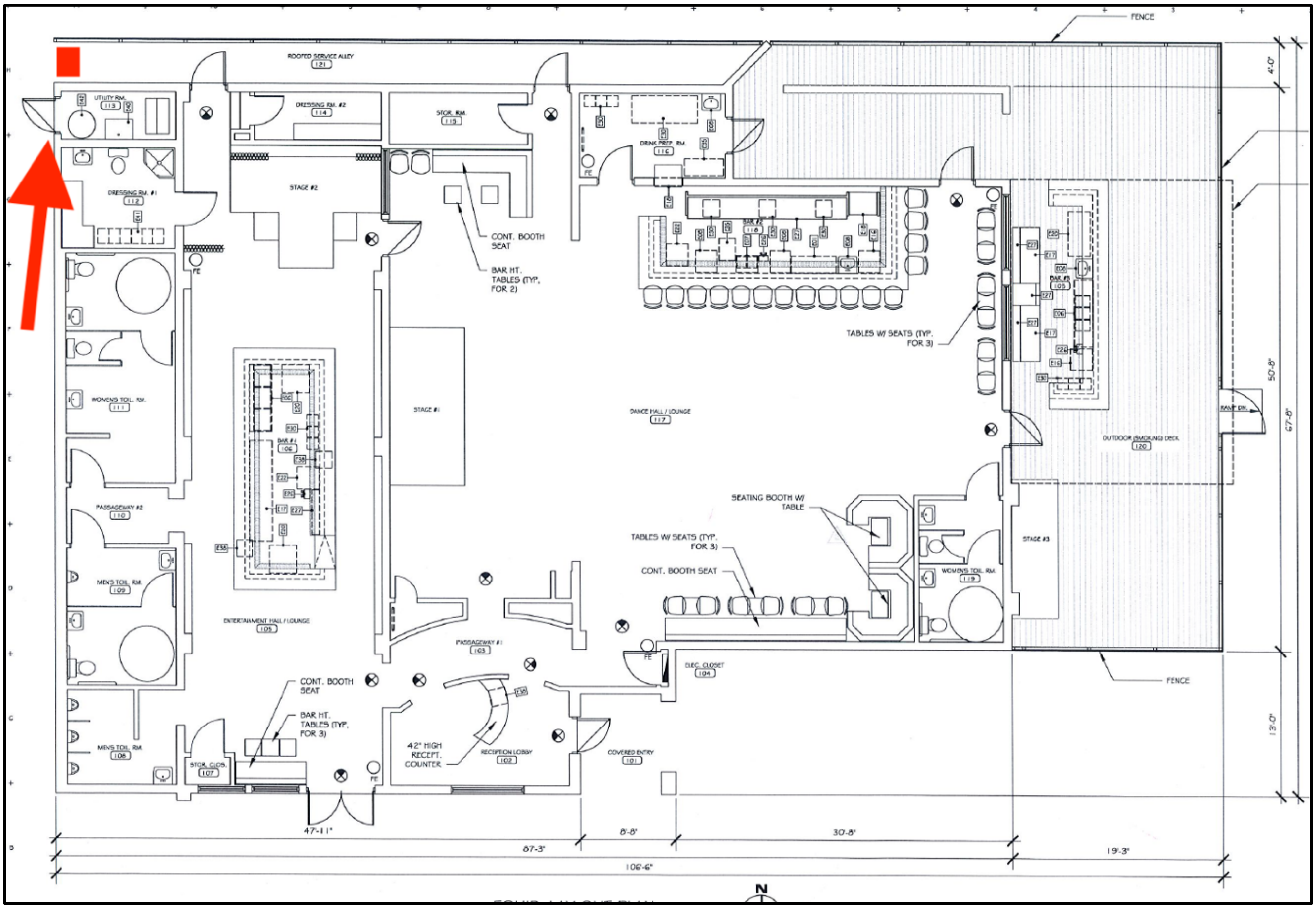
[92] The last building plans given to the City were sent to Timothy Johnson on May 20, 2010, via email. This is when the City engaged with Rosario Poma to bring the nightclub into compliance—six years after opening and operating as a nightclub in violation of its Conditional Use Permit. The Pomas never took the steps necessary to bring their business into compliance. The City never followed up or enforced the law.


FENCE
ROOFED SERVICE ALLEY 121
UTILITY RM. 113
DRESSING RM. #2 114
STOR. RM. 115
DRINK PREP. RM. 116
DRESSING RM. #1 112
STAGE #2
CONT. BOOTH SEAT
BAR HT. TABLES (TYP. FOR 2)
FE
BAR #2 118
TABLES W/ SEATS (TYP. FOR 3)
BAR #3 105
WOMENS TOIL. RM. 111
BAR #1 106
STAGE #1
DANCE HALL / LOUNGE 117
OUTDOOR (SMOKING) DECK 120
RAMP DN.
PASSAGEWAY #2 110
SEATING BOOTH W/ TABLE
TABLES W/ SEATS (TYP. FOR 3)
CONT. BOOTH SEAT
STAGE #3
WOMENS TOIL. RM. 119
MENS TOIL. RM. 109
ENTERTAINMENT HALL / LOUNGE 105
PASSAGEWAY #1 103
ELEC. CLOSET 104
FENCE
CONT. BOOTH SEAT
BAR HT. TABLES (TYP. FOR 3)
MENS TOIL. RM. 108
STOR. CLOS. 107
42" HIGH RECEPT. COUNTER
RECEPTION LOBBY 102
COVERED ENTRY 101
4'-0"
50'-8"
67'-8"
13'-0"
47'-11"
87'-3"
8'-8"
30'-8"
19'-3"
106'-6"
N

PULSE's 2010 Unpermitted Building Plans: The building plans given to Timothy Johnson on May 20, 2010, which show the unpermitted "roofed service alley" that was completely enclosed with wood lattice connecting the fence to the soffit of the roof. The red square shows where the beverage cooler, thought to have been a "Coke machine," was located. The arrow is pointing to the door and storage closet that did not exist. This was an open area where an ice machine was stored. One survivor who has never spoken publicly about her experience was unable to escape and trapped in the alley. She hid in this space, wedged between the beverage cooler and the ice machine until she was pulled out through an opening made in the fence. She was injured in the process. (*Source: City of Orlando*)

It is important to note that survivors got stuck in this service alley. At least one survivor found herself stuck between the ice machine and the beverage refrigerator until she was pulled through a hole made in the fence by another survivor fleeing the crime scene. Police eventually tore down the fence and pushed down the refrigerator to access and secure the building from the northwest corner and later to locate and rescue survivors who were trapped in the unpermitted dressing room.

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[93] For evidence, see "PULSE Nightclub: The Coke 'machine' and unpermitted fencing blocked what was designated as an exit," PULSE Families and Survivors for Justice, August 22, 2023, https://www.pulsefamilies.com/post/pulse-nightclub-the-coke-machine-blocked-an-exit.

These illegally modified plans from Rosario Poma's employee Wendy Baker were emailed to Timothy Johnson on May 20, 2010, six years before the shooting, and were sitting in his inbox as City officials frantically searched for accurate floor plans in the immediate aftermath of the shooting. Since these building plans were unpermitted, they were never filed in the Permitting Division's official permitting records system. Even the Fire Department, which is responsible for regular checks and occupancy load evaluations, only had PULSE's original building plans from 2003-2004. We know this because a photograph of those plans was sent to City officials via email—evidence we obtained through public records requests and presented later in this chapter.

After the shooting, Mr. Johnson was promoted with a higher-than-average salary. He is currently the Deputy Director of the Economic Development Department, along with Lilian Scott-Payne, under Brooke Bonnett. **Despite knowing the numerous violations at PULSE, these employees intervened in 2010 but failed to enforce the law and bring PULSE into compliance. With this information concealed from the public but known by the City, they curiously were promoted by City leadership after the shooting.**

In addition to the City's efforts to suppress real investigative work, local reporters were also never granted access to the PULSE building, which was returned to the Pomas on June 13, 2016 following the Federal Bureau of Investigation's (FBI) on-site criminal investigation against the shooter.[94] As a result, journalists were left to sift through a chaotic dump of filtered photographs and redacted documents provided by the City of Orlando—without the spatial knowledge or context needed to make sense of them. The City's conflicting narratives, combined with the lack of firsthand access to the site, made it nearly impossible for anyone unfamiliar with PULSE to piece together how the Pomas broke the law. Instead, they were forced to rely on the City's disorganized, manipulated, and incomplete disclosures, designed to obscure rather than clarify the facts.[95] This is why survivors and former PULSE patrons and employees are key in any investigative work.

In 2025, more than a year after it purchased the property, the City opened the building to victims' families and survivors prior to demolition. After these "site visits," the City then gave pre-selected journalists 30 minutes to walk through the building which had been sitting empty for more than nine years. This was nothing more than a public relations stunt. Pairs of local news media personalities were allowed inside but were not allowed to document the interior of the building. Therefore, they could only share their worthless personal experiences with the public. Furthermore, the journalists who tried to conduct investigations into the issues at PULSE in 2016 and who had a working knowledge of the issues at PULSE did not participate in this highly publicized media tour. Most moved on in their professional careers, were unavailable, or were no longer working in Orlando or never worked in Orlando to begin with (i.e. *New York Times*).

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[94] "PULSE building released back to owners," Caitlin Doornbos, Orlando Sentinel, June 14, 2016 (updated June 10, 2018), https://www.orlandosentinel.com/2016/07/13/pulse-building-released-back-to-owners/.

[95] The City of Orlando's "PULSE Tragedy Public Records" disorganized and incomplete document dump can be found here: https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/PULSE-Tragedy-Public-Records

The City of Orlando also purposely withheld key records that were not included on their PULSE Tragedy Public Records website, which would have provided additional context for thorough and precise investigation.[96] We were only able to access these records, providing critical context for understanding the full scope of issues related to the City and PULSE, through 409 separate public records requests. These cost thousands and thousands of dollars. To date, we still have requests that have not been fulfilled.

In short, no government office, law enforcement agency, or journalist made any effort to hold the City of Orlando or PULSE owners Barbara and Rosario Poma accountable for violating the law in ways that contributed to a higher death toll and created unlawful barriers to escape and rescue. **In other instances where a crime occurred at nightclubs that were not permitted, owners and even government officials have been arrested, investigated, indicted, and served time.[97]** At PULSE, the owners have been allowed to walk away and have made well over $4M because of the massacre.

Given the responses we received from the City and various state and federal law enforcement agencies, it became increasingly clear that any legitimate investigation had to begin at the grassroots level. Those who experienced the shooting firsthand, who had been inside the building and witnessed its changing layout over the years, and who were committed to uncovering the facts. Ultimately, we had no choice but to conduct the years-long, extensive investigation ourselves—an effort that continues to this day, all while simultaneously leading public awareness campaigns to expose the facts.

While uncovering the long list of unpermitted renovations and code violations at PULSE and how exactly they hindered escape and rescue, we also found during our investigation how and when the City of Orlando (**particularly the Office of the Mayor**) **tried to conceal this information and purposely lied to the public and its own City Council about these issues.**

The City of Orlando not only disseminated disinformation through confusing statements that often and contradicted its own records,[98] but also employed other tactics to withhold information from the public. These included requiring excessive fees (one cost over $600,000) for public records and subjecting requesters to lengthy delays, with some records taking over six months to a year to be delivered. Our investigation and public awareness campaigns resulted in our *49 Questions Campaign* (that we sent to the City in 2021 and that City officials ignored), our *They Knew* report (published on our website in 2020), as well as countless blog posts, social media posts, and videos we created disseminating the evidence we uncovered. We also engaged with the local media and provided them with new information we collected from the City, whistleblowers, law enforcement agencies, lawyers, and victims/survivors who joined the movement for justice and accountability. For years, we continued to publicly seek comprehensive and independent criminal investigations into the PULSE nightclub owners, Barbara Poma and Rosario Poma, the City of Orlando, and the onePULSE Foundation.

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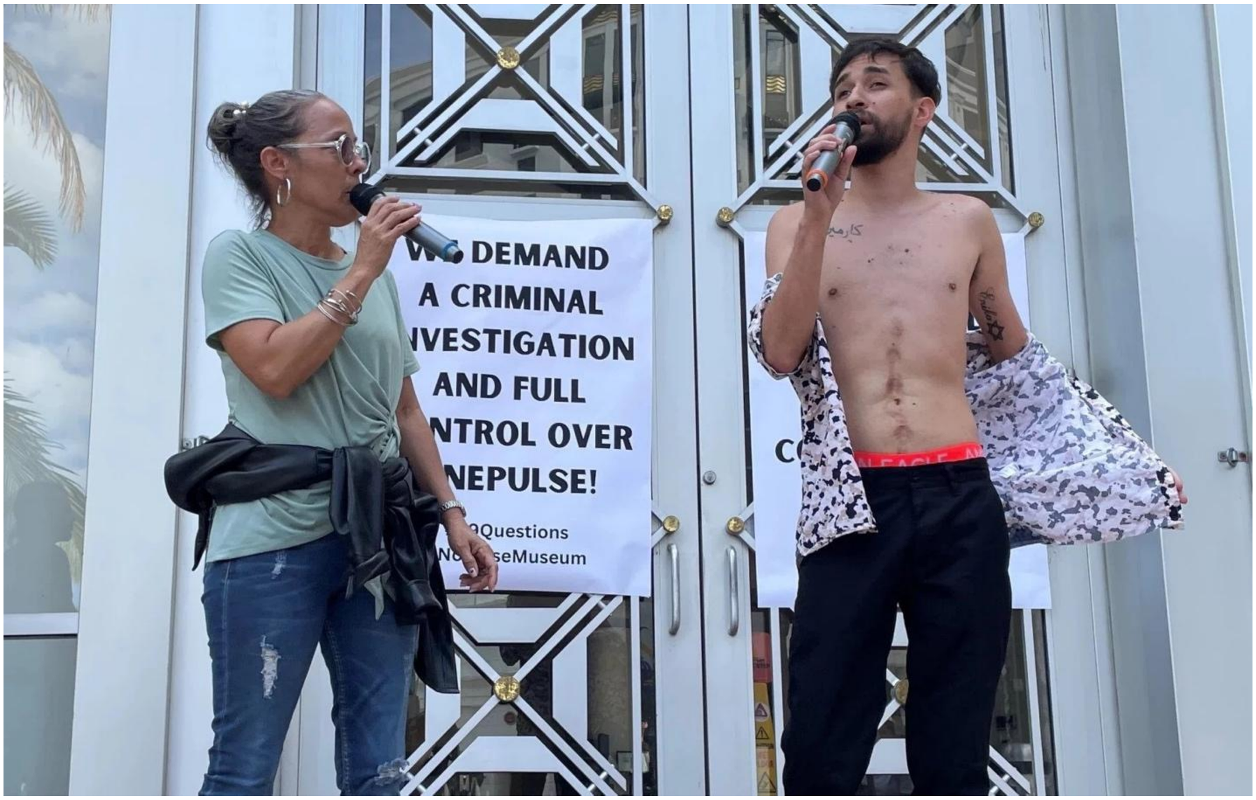
[96] PULSE Tragedy Public Records, City of Orlando, https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/PULSE-Tragedy-Public-Records

[97] “Station nightclub owners sentenced for their role in fatal 2003 fire,” Max Winograd, December 7, 206, The Brown Daily, https://www.browndailyherald.com/article/2006/12/station-nightclub-owners-sentenced-for-their-role-in-fatal-2003-fire; “Ghost Ship Fire: Owners of Oakland warehouse to pay $12M to victims’ families,” ABC 7 News, September 2, 2021, https://abc7news.com/ghost-ship-fire-warehouse-settlement-owners-bankrupt/10995193/; “Kathleen Turner’s Spouse Among Landlords of Club Hit by Fatal Fire,” *Associated Press/LA Times*, March 28, 1990, https://www.latimes.com/archives/la-xpm-1990-03-28-mn-237-story.html; “Mourners protest against corruption in North Macedonia after nightclub fire,” Helena Smith, March 17, 2025, https://www.theguardian.com/world/2025/mar/17/mourners-protest-against-corruption-in-north-macedonia-after-nightclub-fire.

[98] See Chapter 1.

As we mentioned in our foreword, in 2023, following a press conference held on Mother's Day, a group of victims' mothers went to State Attorney Monique Worrell's Office desperately seeking her help. These mothers were told that had to first go through proper channels by filing complaints with the Orlando Police Department (OPD), as the State Attorney's Office cannot initiate investigations, but can take over investigations.



May 14, 2023, Mother's Day Press Conference at Orlando City Hall: Wounded PULSE survivor Jorshua Hernandez-Carrion shows his gunshot wounds at the 2023 Mother's Day (May 14) Press Conference in front of Orlando City Hall. He is joined by Brenda Marquez, the cousin of Brenda Marquez McCool who was murdered at PULSE. When we applied for a permit to hold this press conference, the City of Orlando did not disclose that the Orlando Arab Festival was happening at the same time across the street with permission to play loud music that would drown out our speeches. We could only afford an inexpensive audio amplification speaker that could not compete with their professional stage and sound system. Event organizers were not willing to temporarily turn down the music while PULSE victims/survivors spoke across the street. (*Source: Central Florida Public Media)*

So, the following month, victims' families and survivors submitted formal complaints with the OPD, despite understanding the obvious conflicts of interest concerning this agency was the law enforcement branch of the City of Orlando and that OPD had a business relationship with the Pomas who employed its officers. For the next three months, other victims' families and survivors also submitted formal written complaints not just about PULSE and the Pomas, but also about the onePULSE Foundation and the City.[99] OPD did not investigate the latter two.

The Orlando Police Department (OPD) spent a year before they finally released their report in August 2024, even though a survivor was told by Sergeant Mike Stanley on April 20, 2024, that report was completed on March 12, 2024, and being reviewed by his Lieutenant.[100] During this time, survivors, victims' families, and victim advocates met with journalists at WESH 2 and began sharing their stories. This resulted in the first ever investigation into our allegations by a local news media outlet, which premiered on June 13, 2024.[101]

The OPD's report was finally released to the public less than a month after WESH 2's investigation aired and the OPD report confirmed the conflict-of-interest bias we had anticipated. The result was exactly what we expected. Very little effort that resulted in a bevy of provable errors.

In the 23-page document, OPD dismissed evidence they had failed to obtain themselves—evidence we compiled and referenced in our earlier *They Knew* (2020) report, which had since become outdated due to the additional records we acquired and published after 2020. The purpose of an investigation is to uncover the facts; and in this case, the facts are easily discoverable through the City's own records, especially if OPD chose to use our report *They Knew* as a roadmap. Yet, their report made clear that OPD made no real effort to conduct a legitimate investigation and only focused on how to protect itself and the City of Orlando by working to discount our fact-based allegations; they tried and failed to pick apart our report.[102]

OPD devoted much of its report to trying to justify its own failings instead of conducting a legitimate criminal investigation. In fact, it used their employer's own legal opinion that,

> *"Even if every alleged violation of building and fire codes at PULSE were provable beyond a reasonable doubt and even if it could be proven some of the victims killed at PULSE by Mateen would have survived if it were not for these alleged building and fire code violations, the wrongdoing of Mateen is legally an independent intervening act which supersedes any possible criminal liability the Poma's could have had for any of the deaths."*

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[99] "PULSE Massacre victims file police complaints saying exits were blocked," Frances Robles, *New York Times*, August 6, 2023, https://www.nytimes.com/2023/08/06/us/pulse-shooting-building-complaints.html.

[100] See email to Jorshua Hernandez from Mike Stanley, April 20, 2024, Subject Line: Case Update. City of Orlando.

[101] "Life After PULSE," *WESH 2*, June 13, 2024, https://www.wesh.com/article/florida-pulse-shooting-investigation/61084583. Also see, https://www.pulsefamilies.com/post/wesh-2-news-chronicle-life-after-pulse.

[102] See Appendix A for our analysis of OPD's report on our report, *They Knew* (2020). This was not a real investigation into the unpermitted renovations and code violations at PULSE that hindered escape and rescue.

With this questionable legal interpretation and premise, the OPD's investigation was a foregone conclusion. The OPD's report made clear that this exercise was more an attempt to discredit as many findings from our *They Knew* report as they possibly could rather than conduct their own investigation into the issues presented.[103] However, even OPD's own report acknowledged that the allegations, evidence, and facts presented in our report *They Knew* (2020) could not simply be dismissed—despite their best efforts. The majority of what of what was documented in *They Knew* was corroborated and confirmed by the City's own records, including the fact that PULSE operated as a nightclub illegally and in violation of its conditional use permit, which the City of Orlando denied publicly for years. **Because of the enormity of evidence in *They Knew*, the OPD investigation had to admit that the PULSE nightclub operated illegally.**

Regardless of the OPD's conclusions, our report was intended to serve as a roadmap for an official independent investigation. We sought to outline what the issues were and provide examples of the evidence that, at the time, was already available to the public. *They Knew*, of course, was never intended to be a definitive legal document or a complete investigation as our information gathering continues to this day. For the most part, the OPD did not treat our public records research as a guide for a thorough investigation, but rather as a series of allegations to try to discredit without conducting any serious inquiry.

In addition to failing to collect substantial additional evidence, OPD investigators also neglected to interview the Pomas, who were reportedly "not able to be interviewed." Given this, how did OPD investigators conclude that "None of the actions by the Pomas with reference to the unpermitted changes to their floor plans, or their alleged inattention towards their doors and exits were done with a reckless disregard of human life or with an utter disregard for the safety of others"? OPD investigators did not thoroughly investigate, nor did they collect any evidence regarding the intentionality behind the Pomas' actions in violating local building and safety code laws.

What is more concerning is that **the OPD's investigative report parroted the Pomas' legal defense**, which hinges on the idea of *foreseeability*. The OPD stated, "The Poma's could not have reasonably foreseen or anticipated a terrorist incident taking place at PULSE."[104] This echoed Barbara Poma's response to our Mother's Day press conference held in front of City Hall in 2023, when she released a statement to the media that said, "I have never responded to the handful of individuals who continue to spread a myriad of untruths about my husband and me, falsely blaming us for what was an *unforeseeable* terrorist attack."[105]

The OPD, **whose officers were employed by the Poma's including on the night of the shooting**, used the opportunity to investigate the Pomas' egregious violations to instead falsely assert there was no legal avenue to pursue justice while parroting the Pomas' legal defense.

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[103] See Appendix K.

[104] In Chapter 3, we unpack the Pomas' legal argument, which hinges on the word "unforeseeable," and we show how this defense would fail to stand in court if victims/survivors were given the opportunity.

[105] "Families of PULSE victims call for investigation into onePULSE Foundation," *Spectrum News 13*, May 15, 2023. https://mynews13.com/fl/orlando/news/2023/05/14/mothers-of-pulse-victims-call-for-investigation-into-onepulse

We also raise other critical questions:

- What is the purpose of building, zoning, and life safety codes if not for public safety?
- How is failing to follow these laws not a reckless disregard for human life and the safety of others?
- Why is the City continuing to take the stance of the Pomas' defense lawyers? Unless it's because the City shares in the culpability, which their own records prove it does.

The Pomas' public relations consultant was Sara Brady,[106] the same person hired by Broward County Public Schools as a crisis PR consultant who called Parkland mass shooting families "crazies." She was paid $75,000.00 for this role.[107] In 2017, Brady was also on the onePULSE Foundation's Memorial Advisory Council along with Barbara Poma, Pamela Schwartz, JEFRË Manuel, and Mayra Alvear.[108] Scott Bowman, onePULSE Foundation's "Chief Communications Officer" also worked for Sara Brady Public Relations, Inc.[109]

After the OPD's report was made public, we consulted with dozens of attorneys and victim advocates from across the country who specialize in the issues that arise after incidents of mass violence. After these conversations, we understood that the State Attorney Monique Worrell was our last chance to try to get justice through our criminal justice system. Thus, we delivered an earlier draft of this report to the State Attorney's Office and the FBI to provide crucial context and evidence.

We hoped this information would encourage them to investigate key issues regarding the code violations and unpermitted renovations at PULSE.

This chapter, and this report, is not intended to repeat or republish evidence and information already published in *They Knew* (2020), on our *PULSE Families and Survivors for Justice* website, or on our original website nopulsemuseum.info. Rather, this document condenses hundreds of hours of investigative work to provide an in-depth review of the issues so that they can be comprehensively understood by law enforcement agencies and the broader public. This chapter reviews the evidence overlooked by the OPD regarding the unpermitted renovations and code violations at PULSE that obstructed escape and rescue. It also seeks to prioritize and cross-reference documented facts, constructing a cohesive narrative that is not obscured by a decade of misinformation, flawed reporting, and thousands of scattered public records.

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[106] Following the mass shooting at Marjorie Stoneman Douglas High School in Parkland, Florida, the Pomas' public relations consultant, Sara Brady, made national headlines for "taking vitriolic aim" at shooting victims. In short, she called them "crazies" and criticized a journalist by saying he was "skanky" and "smells bad." For more information, see: "Broward County Public Schools PR Agent Calls Families of Parkland Shooting Victims 'Crazies'" by Wendy Rhodes in *Broward Palm Beach New Times* (December 5, 2018). https://www.browardpalmbeach.com/news/broward-county-public-schools-pr-agent-sara-brady-calls-parkland-families-crazies-eviscerates-media-in-controversial-speech-10103069; For national coverage, see the *Seattle Times*: https://www.seattletimes.com/nation-world/school-pr-consultant-calls-parkland-critics-crazies/. Also covered by the *Sun Sentinel*: https://www.sun-sentinel.com/2018/12/04/school-shooting-pr-consultant-apologizes-after-calling-critics-crazies-and-reporter-skanky/.

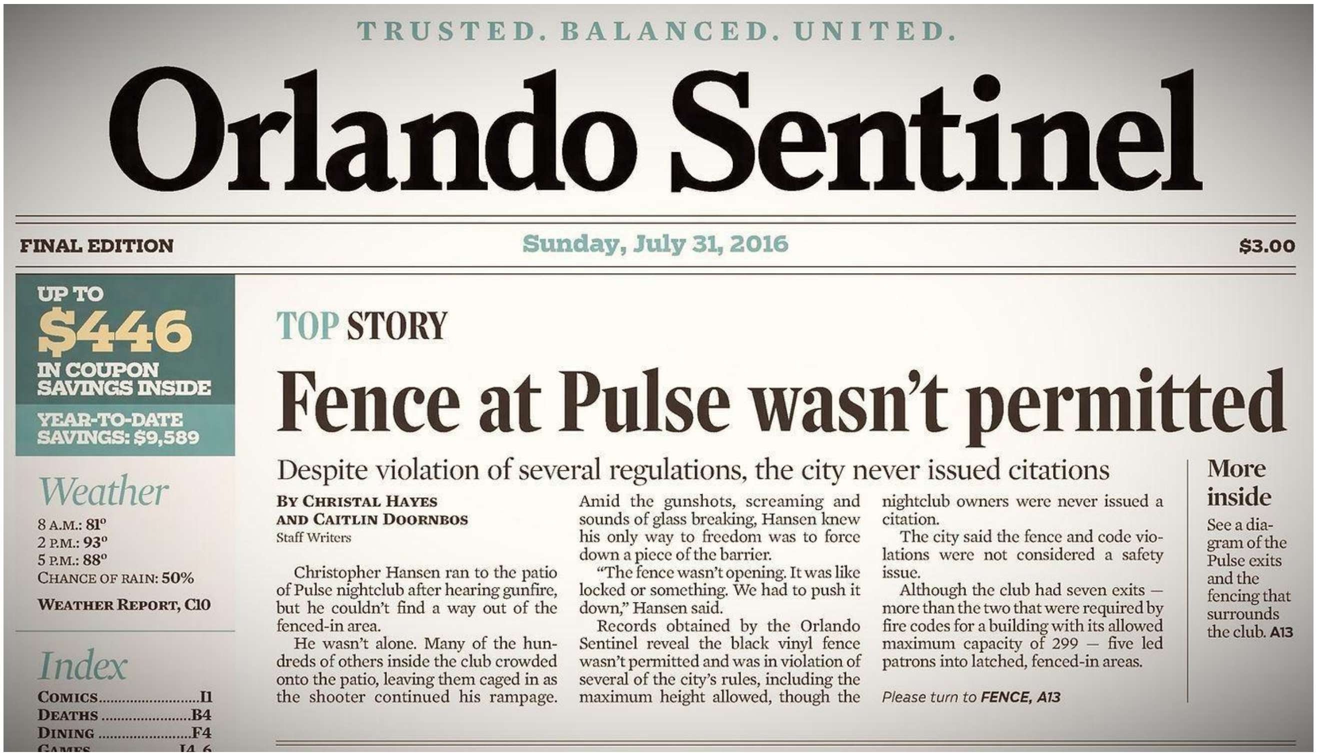
[107] See, "Parkland high school shooting crisis consultant - who was paid $75,000 to handle PR after the massacre - is caught on video calling critics 'crazies' and reporter 'skanky jerk' who 'smells bad'," *Daily Mail*, December 5, 2018, https://www.dailymail.co.uk/news/article-6463497/Parkland-crisis-PR-consultant-caught-video-calling-critics-crazies-reporter-skanky-jerk.html

[108] See the onePULSE Foundation's website from May 5, 2017, which is available on the WayBack Machine, https://web.archive.org/web/20170505010003/https://onepulsefoundation.org/onepulse-foundation-memorial/

[109] See, "Sara Brady and Scott Bowman: Between the Two of Them They Know Everyone," *AFP Central Florida*, https://afpcentralflorida.wordpress.com/2013/07/16/sara-brady-and-scott-bowman-between-the-two-of-them-they-know-everyone/

Obstructed Exits at PULSE During the Mass Shooting

The first reporting of unpermitted renovations and code violations at PULSE that hindered the escape and rescue of shooting victims/survivors to appear in print was published on the front page of the *Orlando Sentinel* on July 31, 2016—just weeks after the shooting. Entitled, "Fence at PULSE wasn't permitted" with the subhead, "Despite violation of several regulations, the city never issued citations," the article was written by Christal Hayes and Caitlin Doornbos—journalists who no longer worked for the newspaper or lived in the state when we began our investigation.[110]



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IN COUPON
SAVINGS INSIDE
YEAR-TO-DATE
SAVINGS: $9,589

Weather
8 A.M.: 81°
2 P.M.: 93°
5 P.M.: 88°
CHANCE OF RAIN: 50%
WEATHER REPORT, C10

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TOP STORY

Fence at Pulse wasn't permitted

Despite violation of several regulations, the city never issued citations

BY CHRISTAL HAYES
AND CAITLIN DOORNBOS
Staff Writers

Christopher Hansen ran to the patio of Pulse nightclub after hearing gunfire, but he couldn't find a way out of the fenced-in area.

He wasn't alone. Many of the hundreds of others inside the club crowded onto the patio, leaving them caged in as the shooter continued his rampage. Amid the gunshots, screaming and sounds of glass breaking, Hansen knew his only way to freedom was to force down a piece of the barrier.

"The fence wasn't opening. It was like locked or something. We had to push it down," Hansen said.

Records obtained by the Orlando Sentinel reveal the black vinyl fence wasn't permitted and was in violation of several of the city's rules, including the maximum height allowed, though the nightclub owners were never issued a citation.

The city said the fence and code violations were not considered a safety issue.

Although the club had seven exits — more than the two that were required by fire codes for a building with its allowed maximum capacity of 299 — five led patrons into latched, fenced-in areas.

Please turn to **FENCE, A13**

More inside

See a diagram of the Pulse exits and the fencing that surrounds the club. **A13**

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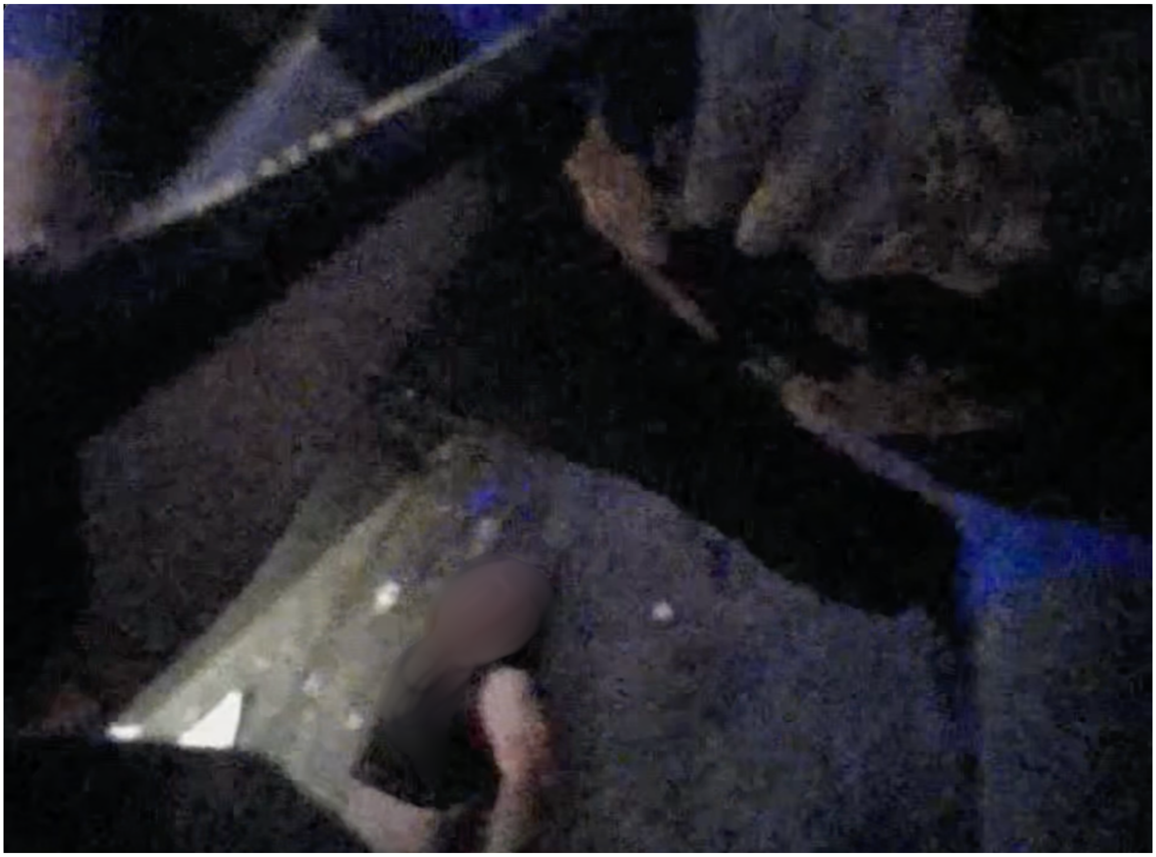
[110] "Fence at PULSE wasn't permitted, but city never issued citation" Christal Hayes and Caitlin Doornbos, Orlando Sentinel, July 31, 2016. https://www.orlandosentinel.com/2016/07/30/pulse-fence-was-not-permitted-but-city-never-issued-citation/.

The Only News Coverage of Unpermitted Fence at PULSE: "Fence at PULSE wasn't permitted: Despite violation of several regulations, the city never issued citations" by Christal Hayes and Caitlin Doornbos as it appeared as a TOP STORY on the front page of the *Orlando Sentinel* on July 31, 2016.

The article chronicled survivors who tried to flee to safety as gunshots were fired inside the club, but whose path to safety was obstructed by a latched vinyl fence, painted black and with black latching hardware. They were forced to jump over the fence and eventually force their way through the obstruction to egress as more and more people tried to run for their lives.

One victim was killed on the illegal and unpermitted patio, which was fully enclosed by PULSE's unpermitted fence.

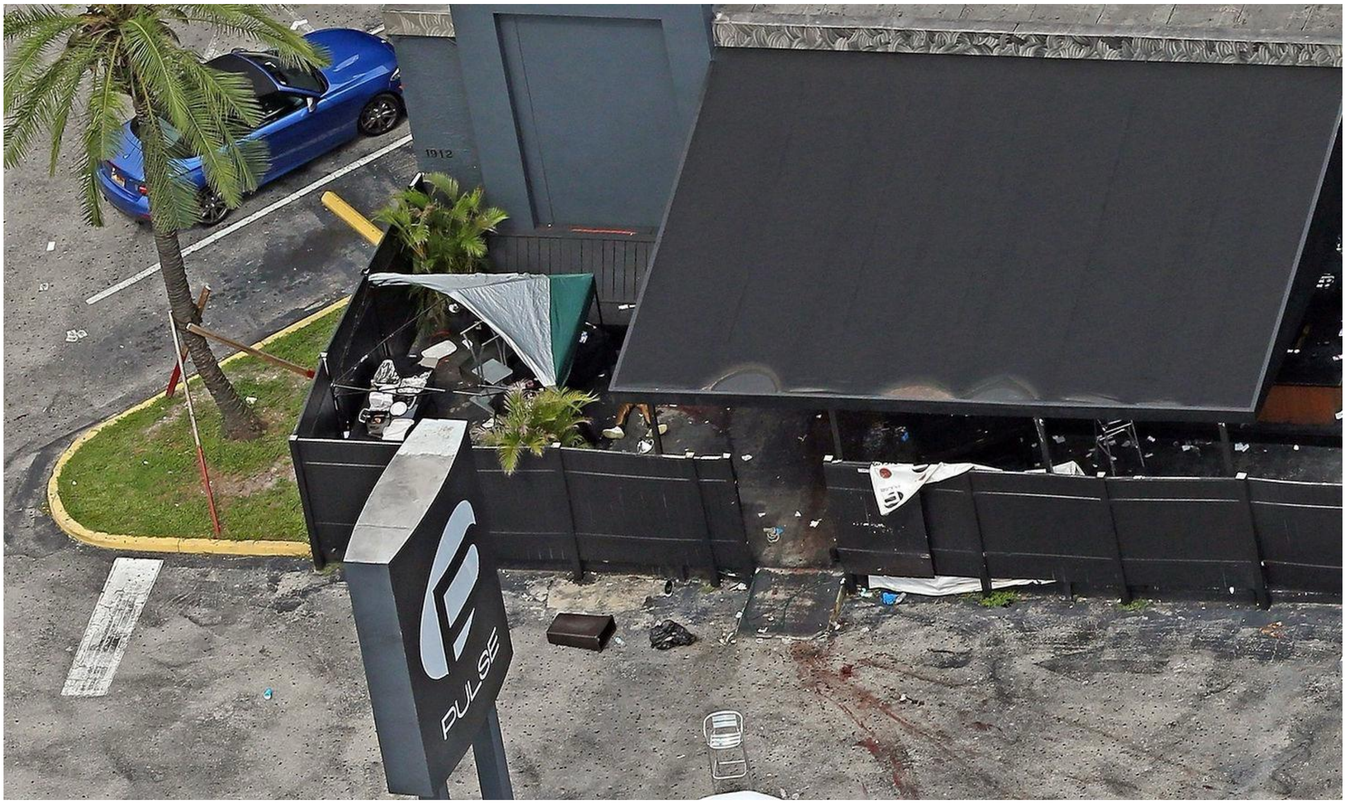
Based on illegally leaked photos of the crime scene published on the dark web that show victims' bodies, autopsy reports that describe what the victim was wearing, and released police body camera footage that exposed his face and body in violation of Fla. Stat. § 119.01, we were able to determine that this victim was **Jean Carlos Mendez Perez**.



Still from OCSO Deputy Mark Rutkoski's Body Cam Recording: Released by the City of Orlando in violation of Fla. Stat. § 119.01, the City repeatedly showed the face and body of PULSE victim Jean Carlos Mendez Perez without redaction. We have blurred his face out of respect for his dignity and privacy. However, it is important for the public to understand that the unpermitted renovations and code violations at PULSE were not harmless technical violations—they materially altered the environment in ways that created confusion, hindered movement and escape, and contributed to the dangerous conditions victims encountered during the shooting.

It is important to note that when the City of Orlando and the FBI hosted site visits of the PULSE Nightclub in 2025, prior to the nightclub being demolished, the City representative told a family member of Perez that he died on the dance floor with his partner, Luis Daniel Wilson-Leon.

This was not true, as the City confused Jean Carlos Mendez Perez with PULSE victim Jean Carlos Nieves Rodriguez. This careless mix-up showed how disconnected the City of Orlando is from those directly impacted by the PULSE tragedy, and how the City continues to inflict harm upon victims' families and survivors—despite the crafted false narrative of care and compassion that these same City officials work to portray to the public.



Broken Fence Gate at PULSE: This graphic photo was published by the Orlando Sentinel as part of their story on PULSE's unpermitted fence. It shows the legs of the victim who was killed on the unpermitted patio, who we have identified as Jean Carlos Mendez Perez, based on the clothing described in his autopsy report and released body camera footage that exposed his face and body in violation of *Fla. Stat. § 119.01*. The photograph also shows the knocked-down gate that survivors had to bust down in order to escape. Photographs show the gate had two latches locking the gate and no emergency hardware. This fact was also reported by *WESH 2* in 2024.[111] (*Source: Orlando Sentinel*)

The *Orlando Sentinel* article about the illegal fence documents several important facts that investigators should have taken note of:

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[111] "Survivors want answers about conditions, alleged code violations at PULSE," Michelle Imperato, *WESH 2*, June 12, 2024, https://www.wesh.com/article/code-violations-life-after-pulse/61086854.

1). “Although the club had seven exits—more than the two that were required by fire codes for a building with its allowed maximum capacity of 299—**five led patrons into latched, fenced-in areas.”**

- This observation that there were seven exits recognizes all doors from the club that led to the outside, disregarding the official definition of an exit as defined by fire code. By definition, an exit must provide an unobstructed path to a public way; routes that terminate in enclosed or latched areas violate basic life-safety principles and function as dangerous dead ends rather than lawful means of egress.
- PULSE only had two unobstructed exits, and the shooter walked in through one of them (the front door) and shot and killed victims escaping out the double doors. These two exits were not the required distance apart, as dictated by fire code, and the front door lacked both required panic hardware and the required width for PULSE’s occupancy load.
- In all public statements made since 2016, the City has claimed that there were five exits, which does not align with the OPD’s observation or the nightclub’s actual layout. It is unclear which five of the seven doors leading the City considers exits.

2). “…the black vinyl fence **wasn’t permitted** and **was in violation of several of the City’s building and safety rules**, including its maximum height allowed, though the **nightclub owners were never issued a citation.”**

- Heather Fagan, then Deputy Chief of Staff, contradicted this fact when she told Orlando City Council and other officials, “Just because the work was unpermitted, doesn’t mean it was done improperly.” (*Appendix L*).

3). “In records dating back to August 2010, officials with the city of Orlando discussed meeting with PULSE nightclub owner Rosario Poma **over a list of unpermitted work done at the club**, including the fence.”

- This meeting took place after PULSE operated out-of-compliance for six years. The City did nothing to enforce compliance after this meeting and let six more years pass without enforcing the law. Then, the shooting happened.

4). “The city was working with Poma to get permits and bring the fence up to code, but that never happened, city spokeswoman Heather Fagan said. **‘I really don't have the answer as to what happened and why it was never done,’** she said.”

- Why not? The City of Orlando is known for its strict code enforcement, especially in the downtown area where PULSE is located. The City’s records indicate a pattern of preferential treatment, selective enforcement, and blatant compliance reporting “mistakes” when it came to PULSE.

5). “Fagan said the city handles thousands of permits annually, and it's possible **this case wasn't prioritized**.” Why not?

6). “According to a three-page memo sent to the owners in 2010, city officials noted that **two windows were "blocked by the unpermitted privacy fence,"** which violates a portion of the city's Land Development Code requiring the street-facing side of the building have a minimum of 15 percent transparent materials such as windows.”[112]

- In subsequent statements, the City has claimed that these windows were required for per zoning regulations and not per life safety requirements. However, the City has never answered how many windows were required for a building that size and with an occupancy load of 299 per life safety code? There was only one window, which the first team of responding officers to enter the building broke in order to gain access. Survivors stated on the record that the absence of windows caused disorientation, making it difficult to find an exit or even determine which direction led outside.

7). “City permitting worker Marissis Gandert said privacy fences, like the one at PULSE, would also be included under this category and shouldn't be taller than 5 feet, **which would mean PULSE was in violation**.”

- The City knew that the fence at PULSE was “done improperly,” but refused to admit it.

8). “Fagan, who noted that the city handles thousands of permits annually, **said code enforcement was not involved in this issue, which is why no citations or fines were issued in the years since then**.”[113]

- The City took photos of the unpermitted fence on June 14, 2010, and these photos were released by the City. The City’s own records show code enforcement was involved in many issues with PULSE’s noncompliance, including the illegal, fenced-in patio. If the City claims that code enforcement was not involved in this issue, the only possible reason for that being the case would have been because code enforcement *chose* not to be involved in this issue.

9). “The U.S. Department of Homeland Security endorses the ‘run, hide, fight’ method of response to an active shooter, placing emphasis on running first. ’Research shows the best method to reduce loss of life in an Active Shooter incident is for people to immediately evacuate,’ according to the federal agency.”

- Immediate evacuation was not a possibility for everyone at PULSE.

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[112] Photos taken by the FBI in the aftermath of the shooting, as well as the City’s own photos taken during fire exit checks, show that these windows were completely walled over at the time of the shooting.

[113] Records show that code enforcement was involved, was part of the 2010 discussions with Lilian Scott and Rosario Poma, and even took photos of the fence violation, which the City released. This statement that code enforcement was not involved in this issue is just another lie issued by the City.

10). “Forensic fire safety expert James McMullen said though the codes are designed for fire situations, they also work for events that cause panic such as explosions, earthquakes or violence. ‘A shooter is not something we have studied or written codes for in the past,’ he said. ‘**[But] a lot of the fire regulations generally apply to a shooting because it is panic.**’”

11). “Business owners should try to be prepared for active shooters and other emergencies, said Orlando Police officer David Arnott, special assistant to Mayor Buddy Dyer. He said one way is having evacuation plans in place… ‘The mass exodus and fear and trampling and all that can be a bigger problem.’”[114]

  ○ Especially when there are trash cans and storage items in egress routes and businesses are overcrowded—which is a life safety violation itself.

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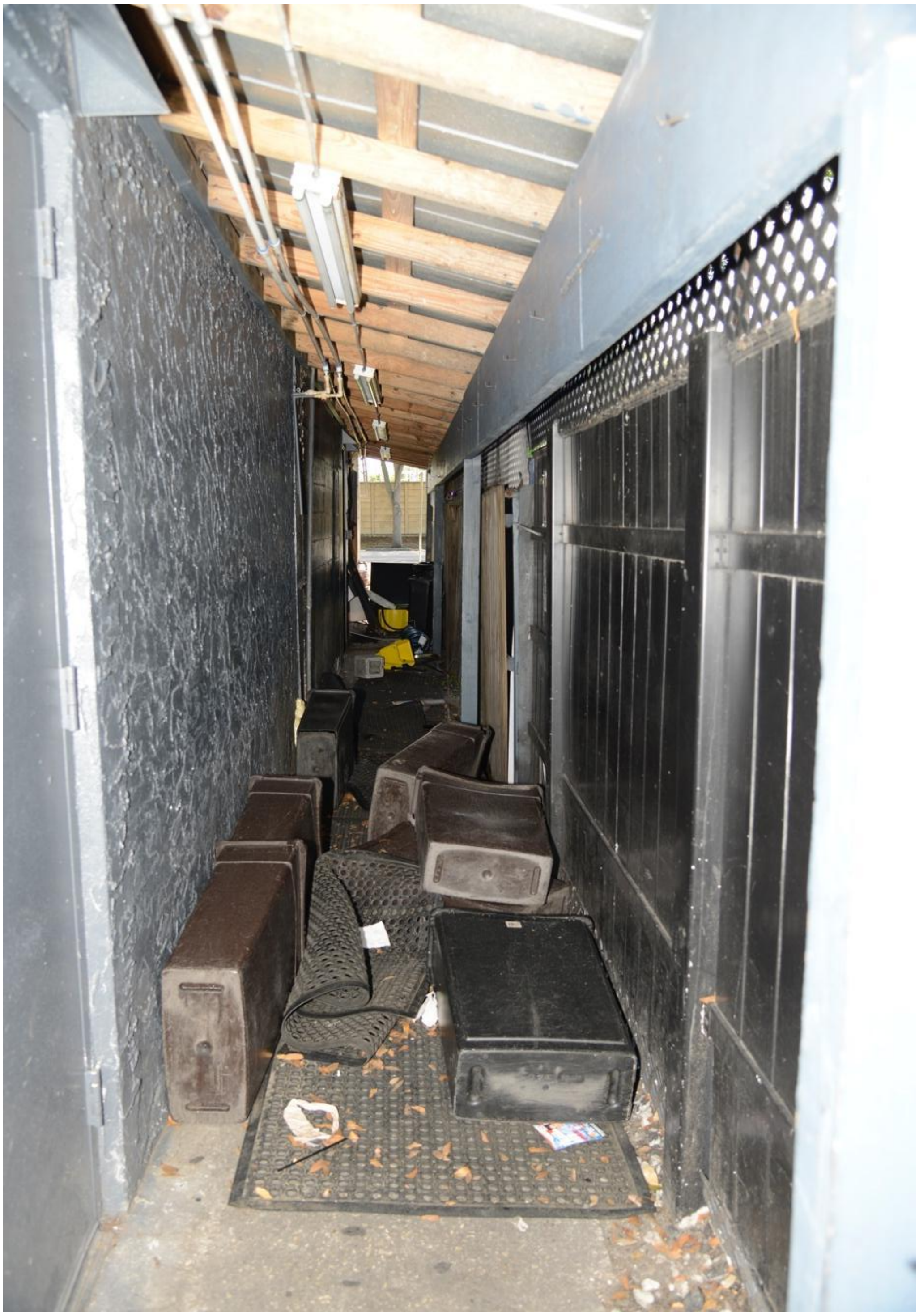
[114] It is worth nothing that David Arnott knew at the time that (1) law enforcement did not have access to building plans throughout the three-hour-long shooting response; and (2) he knew that the nightclub was over its legal capacity. We also know that he knew egress was blocked, based on an email he sent to Heather Fagan on July 27, 2016, asking her how he should answer a different reporter (Elyssa Cherney) who asked him about a comment he made regarding ensuring trash cans do not block egress and whether or not he was talking about PULSE when he made the comment.



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- **Cluttered Egress**: The unpermitted, fenced-in service alley on the North side of the PULSE building was a designated egress route, but instead of being clear for egress it was used to store cleaning equipment, appliances, and trash cans. It was also completely enclosed by the unpermitted fence, wooden lattice, and plywood that appear cobbled-together to form the makeshift enclosure. This is documented both through photographs and first-hand experiences from survivors.

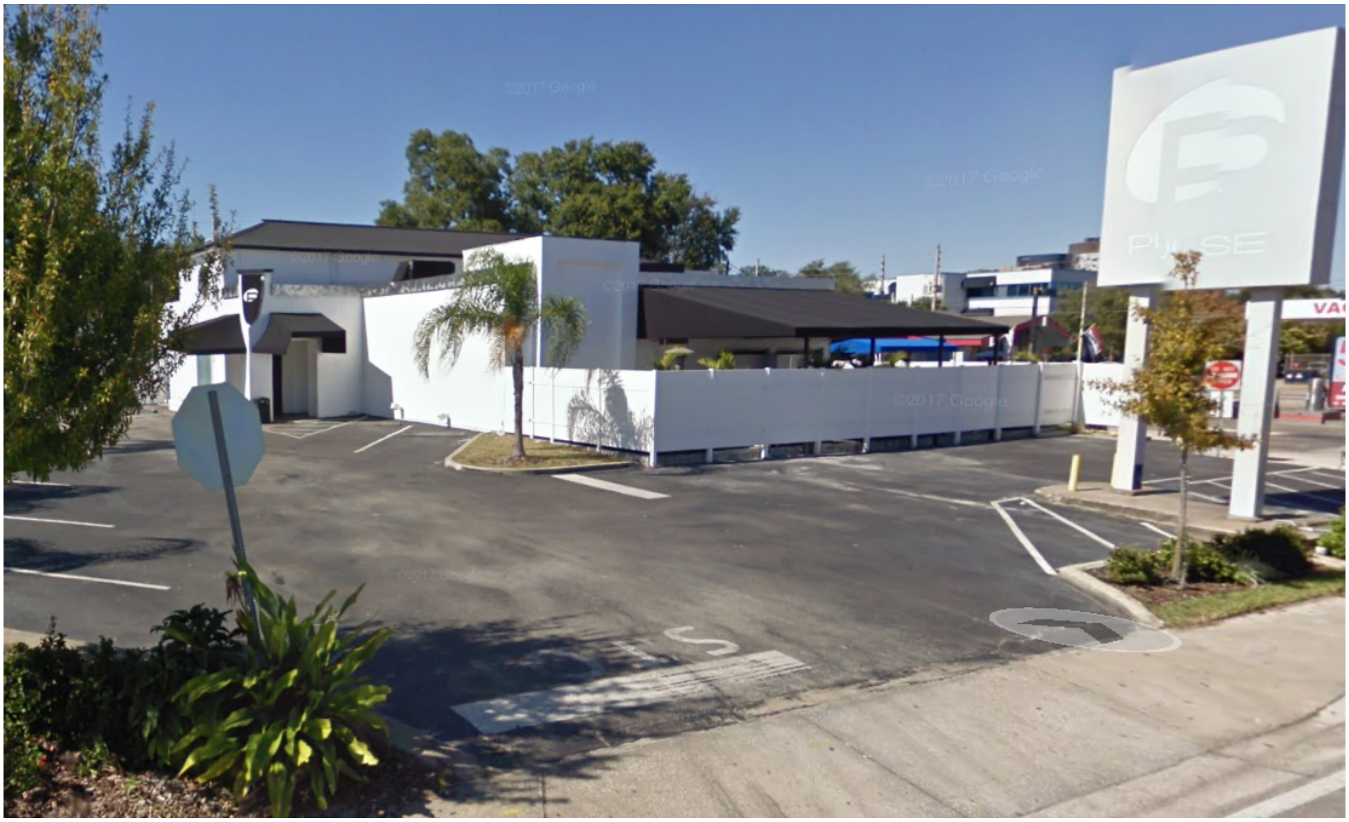
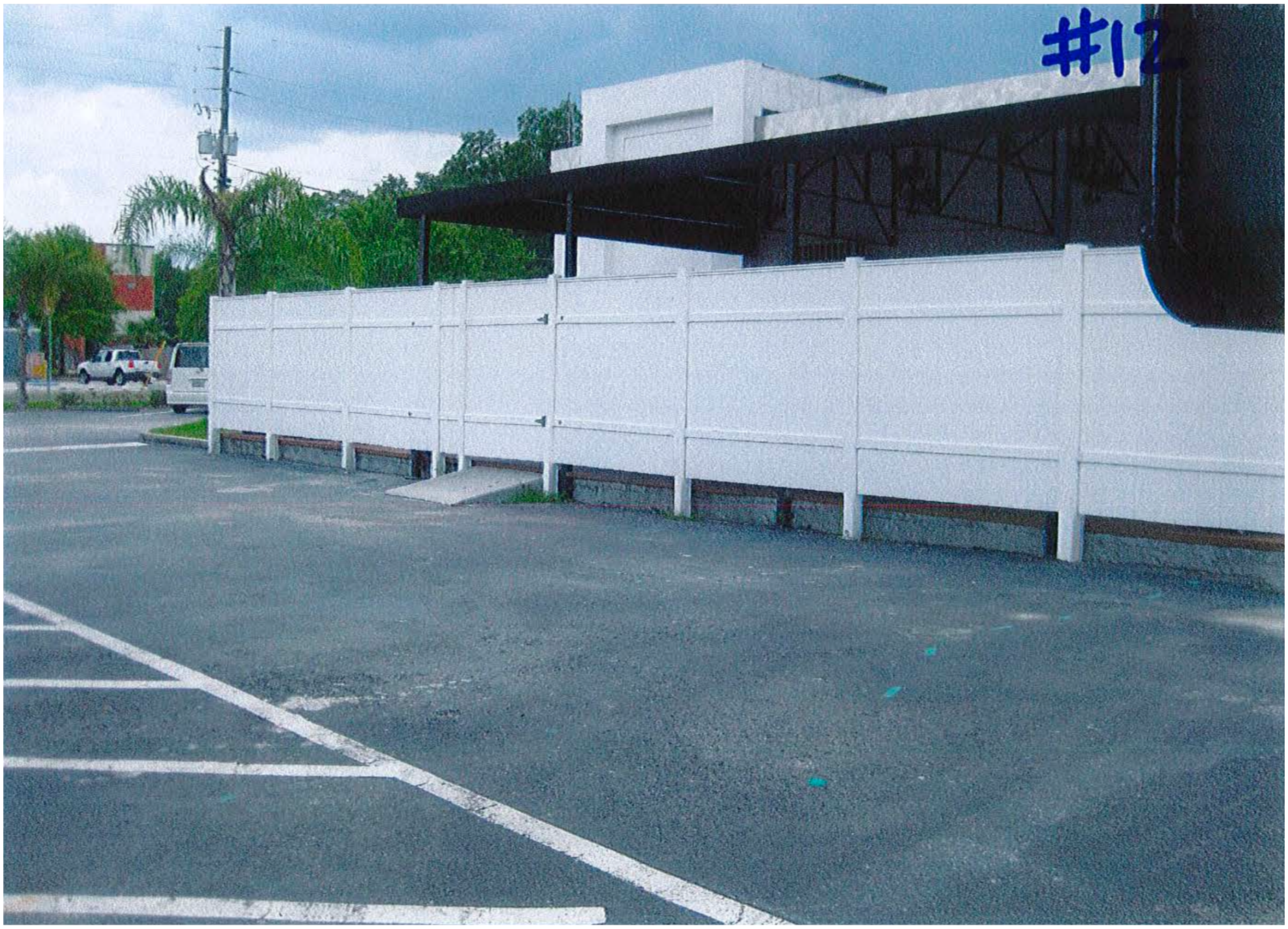


Photo of PULSE November 2008: Photo of PULSE before owners painted the unpermitted plastic privacy fence black. This photo also shows how small the venue and its parking lot was, a clear indication that its City-issued 299 occupancy load was not based on the actual building conditions. (*Source: Google*).



City's June 14, 2010, Photo of Unpermitted Fence: Photo No. 12 of 21 photos the City of Orlando took documenting PULSE's unpermitted fence. (*Source: City of Orlando*).

If OPD had been interested in conducting a legitimate investigation, they would have passed on the responsibility to an independent law enforcement agency free from conflicts of interest that could have easily used our network to contact the survivors whom Hayes and Doornbos interviewed for their story, including **Christopher Hansen** and **Joshua McGill**. As an alternative, OPD investigators could have used the recorded interviews these survivors (and others) have already done, which we have collected, clipped, and republished in various videos on our websites, social media pages, and YouTube channel, all of which would provide any investigator with a treasure trove of documentation and information. These interviews are already publicly accessible.

Why did the OPD, in its investigation, ignore so many first-hand accounts of survivors who have already publicly confirmed that the unpermitted fence (which was a code violation) that hindered the escape of shooting victims? One violation, like this one, is all we need to prove that unpermitted renovations and code violations at PULSE hindered escape—beyond a reasonable doubt.[115]

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[115] We wrote more extensively about the unpermitted fence, here: https://www.pulsefamilies.com/post/the-unpermitted-fence-and-outdoor-patio-bar.

Specifically, investigators could have spoken to any of the number of people who made statements of various news outlets about the fence obstructing their escape, including:

1. **Joshua McGill**: "Luckily my roommates and I were near the back patio, uh, exit, which is where the back patio is. We left once we heard the initial gunshots and hopped over the fence, eventually..." (Source: *ABC*, https://www.youtube.com/watch?v=fPeVCftvACI).

2. **Marcus Godden**: "I managed… to jump, I jumped up... I ran to that back wall back there. I jumped on a silver table. A high silver table. And I hopped the fence. And I ran to the 7-Eleven." (Source: *The Advocate*, https://www.facebook.com/TheAdvocate/videos/10153946872443855),

3. **Josean Garcia**: "I got up and ran through one of the back doors, which a lot of people don't know, but since I was a DJ there, I went behind the DJ booth and there's a door there. And I, I jumped the fence, and I ran." (Source: *BBC News*, https://www.youtube.com/watch?v=q8EAoCOzFJY).

4. **Christopher Hansen**: "The fence wasn't opening. It was locked or something, we had to push it down." (Source: *Orlando Sentinel*: https://www.orlandosentinel.com/2016/07/30/pulse-fence-was-not-permitted-but-city-never-issued-citation/).

5. **Luis Lopez**: "There was no light, there was no power… I froze. I looked around and I just seen everyone running [in] different directions trying to figure out how to get out. Because when you're in the back [patio] there's really not that many exits to get out… that's when I saw everyone jumping over the fence just trying to get out. So, then I just went and did the same thing. I ran over to the fence. I jumped over the fence and I started running. (Source: *CBS News*, https://www.youtube.com/watch?v=QaeJP1FaPiM).

6. **Jeanette McCoy**: "When I finally made my way out, the fence that was out on the patio was all knocked down. So, I start running out." (Source: Interview with CNN, https://fb.watch/xXVZ0tUdKQ/).

TERROR IN ORLANDO
STORIES OF SURVIVAL
WITNESS DESCRIBES HORROR OF NIGHTCLUB ATTACK
GOOD MORNING AMERICA
NIGHTCLUB MASSACRE
TERROR IN ORLANDO
NEW THIS MORNING
INSIDE THE MOMENTS OF TERROR
HERO CUSTOMER HELPED SAVE BARTENDER'S LIFE
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Stills from Television Interviews with Survivors: They publicly stated they had to force open or jump over PULSE's unpermitted fence taken from various news interviews that are publicly available.

The unpermitted fence at PULSE was not the only code violation that hindered the escape of victims/survivors. At the 8-year mark on June 13, 2024, *WESH 2 News* published the results of its own investigations into the fact-based allegations we made. Using our publications, documents, and public records as a guide, they verified and researched our allegations through their own investigation. Through their interviews with survivors, they uncovered the story of the blocked door to the outside that resulted in the death of PULSE victim **Luis Omar Ocasio Capo**.[116] This is not speculation but meticulously documented based on verified facts from multiple sources and a post-shooting study.

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[116] See, *Life After PULSE*, WESH 2 News, June 26, 2024. This was released a couple months prior to the OPD's investigation and was published while the report was being reviewed. In the segment on unpermitted renovations and code violations, which starts at the 15:00 mark, there is only one error in the reporting. Neal Whittleton falsely claimed that he was able to simply unlatch the back gate to allow people to escape. However, video camera and survivors trapped in the area know this was not true and he had to drop-kick the fence to break it open. This is also confirmed through the OPD's own written accounts, https://youtu.be/0Oxr7zXkISg?si=mtoSY4zHuw5fh7DR.

As shots rang out in the illegal, unpermitted nightclub, Luis and other survivors ran into a small storage room behind the main bar to escape. Once there, they shut the door to prevent the shooter from entering and realized they were trapped.

Jose Diaz Ubiles, one of the 5 victims/survivors who was in the room with Luis stated that he saw a door leading to the patio behind a large, heavy beverage refrigerator. The door it was blocking was made of glass, so he could see the fenced-in patio on the other side.

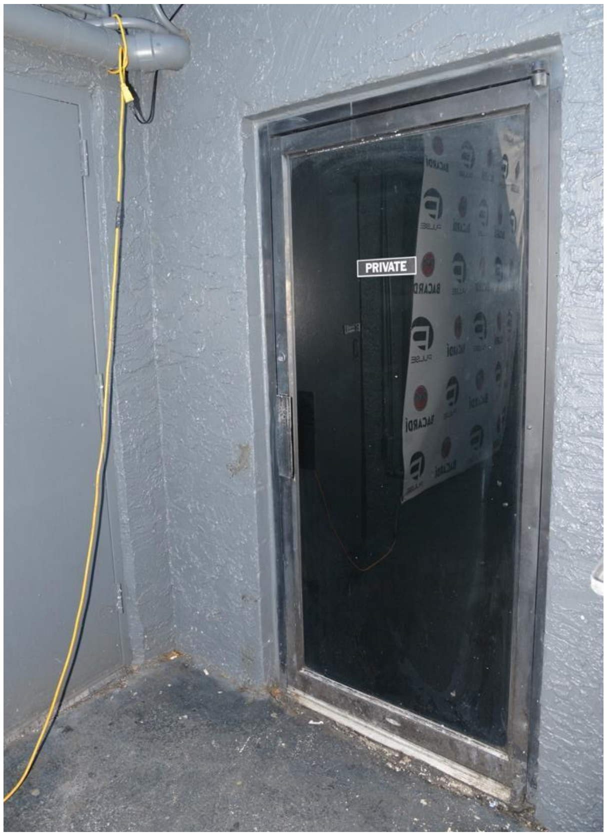
Noticing that Lui was shot and bleeding, Jose tried moving it to get Luis the help he urgently needed and to get himself also to safety, but the beverage cooler was too heavy for him to move because he was also shot.

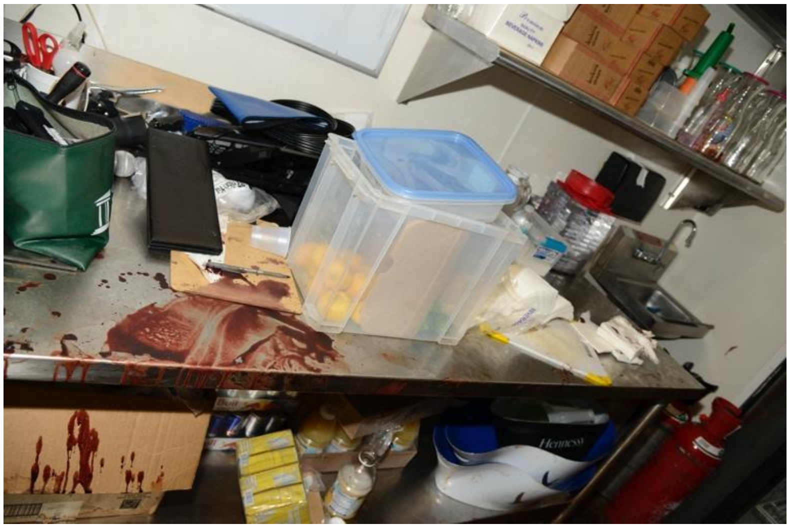
They were trapped in that room for 30 minutes until Sergeant Vidler and assisting units extracted them at 2:32 AM. By that time, Luis had lost a lot of blood. He died at the hospital, which was located just a few blocks down Orange Avenue.

It is important to again underscore the facts:

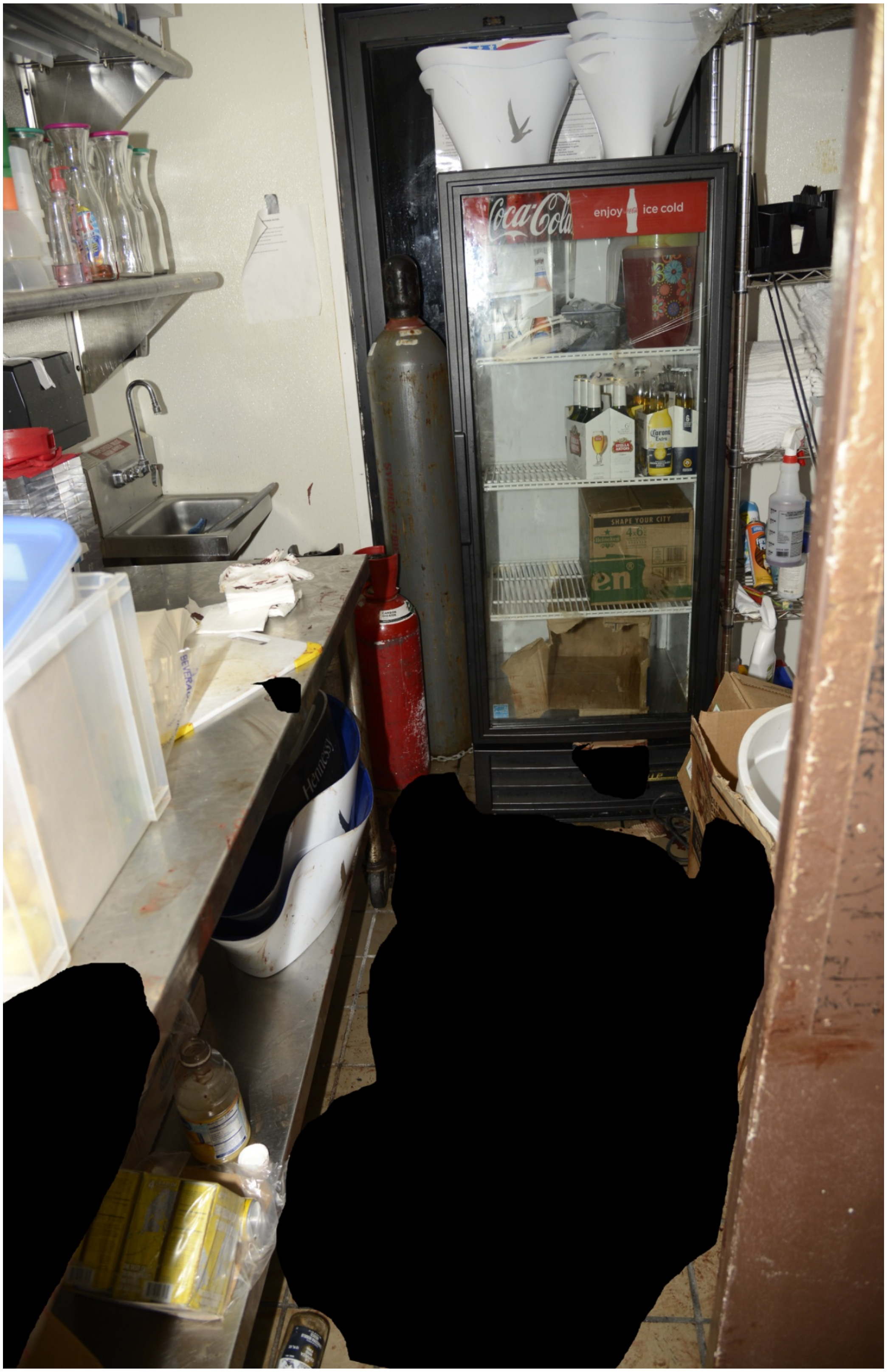
- All of PULSE's exit doors, except for two, led to areas of the club that were enclosed by the unpermitted fence, which was painted black and lacked emergency hardware.
- The fence gates were latched, at both the top and the bottom.
- One of the gates may have been locked, as an employee was forced to "drop kick" a hole in the fence so trapped survivors could escape. The other survivors had difficulty opening and had to force it open. Other survivors just jumped over the fence, which was taller than the standard privacy fence because it was lifted by the unpermitted patio's raised concrete slab.

Any claim that PULSE had more than two functioning exits is categorically false. PULSE owners may have labeled additional doors as "exits," however, labeling those other doors as "exits" obscures the reality: **routes that funnel occupants into fenced or latched enclosures create foreseeable entrapment risks and are themselves a serious life-safety hazard.** This reality continues to be dismissed by the City of Orlando and local law enforcement agencies.





OPD Crime Scene Photos: OPD Photo _SRM0051.JPG, released by the City of Orlando, shows the blocked door from the outside patio. This is the exit door that led to the room where Luis Capo, Jose Ubiles, and 4 other victims/survivors were trapped during the first 30 minutes of the shooting. OPD Photo _SRM0093 is the only photo the OPD took in this small room that the City released to the public in 2017. It shows a small portion of the beverage cooler that blocked the door in the lower right-hand corner. The wire shelving from the beverage cooler is visible. We were able to identify the missing photograph of the blocked door by the City's file naming conventions. Images _SRM0086 through _SRM0092, as well as several other photos, were missing from those released by the City of Orlando on its PULSE Tragedy Public Records website. We know a portion of these missing photos were taken of this room because the photos are in numerical order. The release of _SRM0093 by the City is also proof that the City did not consider blood to be an exempt body part and only did when the blocked exit photograph was requested. (*Source: City of Orlando*)


Coca-Cola
enjoy ice cold
Corona Extra
Hennessy

Blocked Exit Photograph Kept Hidden by the City of Orlando for Nearly Nine Years: _SRM0091.JPG released by the City of Orlando on March 25, 2025, in response to records request 25-2920. This photo shows what City of Orlando Fire Marshal Tammy Hughes described as a blocked exit. (*Source: City of Orlando*)

JOSE DIAZ UBILES
PULSE NIGHTCLUB SHOOTING VICTIM
LIFE After Pulse
WESH 2
CHRONICLE

Jose Diaz Ubiles was interviewed by WESH 2: For the *Life After PULSE* hour-long special that chronicled many of the issues at PULSE that have still gone without a true investigation or building inspection. In his interview, he chronicled being trapped in a room, unable to move another beverage cooler that prevented him and Luis Ocasio Capo from escaping to the patio and getting out of the nightclub. While Ubiles survived being trapped inside of PULSE, Capo did not.

Ubiles was never interviewed by law enforcement investigators about this experience, so his story was never told. It was never incorporated into any investigation done by any law enforcement agency. The only time he was able to share this story publicly was more than seven years after the shooting with other survivors and *WESH 2*.[117]

The struggle to obtain the photo of the blocked exit took nearly six years. The first attempt was made on October 14, 2019, when "all photographs taken of evidence" was requested, for which the City was going to charge $482.40 to release. This was Request No. 19-7737.

On July 9, 2020, another request was made through Request No. 20-5292 for "All photographs taken as evidence on the PULSE Nightclub property following the shooting on June 12, 2016. It has come to my attention that not all photographs have been released to the public." The City stated:

> *The City of Orlando believes that all photographs subject to release, have already been released. Photographs falling under exemptions such as- photographs depicting the killing of an*

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[117] "Survivors want answers about conditions, alleged code violations at PULSE," *WESH 2*, June 14, 2023, https://www.wesh.com/article/code-violations-life-after-pulse/61086854.

> *individual as per 406.136 Fla. Stat 2016 are not releasable. If you believe that photographs not falling under an exemption, were not released, please specify as to which ones.*

On July 12, 2021, another request was made through Request No. 21-7083 for additional photos, including "all photographs taken on PULSE property after the shooting." The City released six photographs, without ever identifying the photographs being withheld from the public through slip sheets or redaction logs.

On July 14, 2021, another request was made through Request No. 21-7136 for "All photos of the coke machine/cooler that Tammy Hughes referenced in her text messages, when she stated, 'Code enforcement is here showed me a picture where the club owner had blocked the exit with a coke machine. He has pictures.'" The City responded, "No Responsive Records" and provided the following statement, "The City does not have any additional records responsive to the request other than what has previously been provided. The inspector was Hery Crespo."

On February 7, 2025, another request was made "requesting all photos taken inside of PULSE by the City of Orlando after the 2016 shooting" in Request No. 25-2025. The City responded, "No Responsive Records" and provided the following statement:

> *The photographs (other than those which are confidential and exempt pursuant to F.S. 119.071(2)(p)) are available on the City's PULSE Tragedy Public Records Website (https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/PULSE-Tragedy-Public-Records).*

Finally, on March 25, 2025—following threats of a court order and payment to remove redactions—the City of Orlando released, for the first time, photographs of the exit blocked by the Coke "machine" – nine years after the shooting and in response to Public Records Request #25-2920.

When it was initially requested, the City closed the request on March 11, 2025, and said the photos could not be released, as they were confidential and exempt. Dr. Zachary Blair asked for them via email to re-open this request and demanded that the City redact only the portion of the photos that the City claimed the law required them to redact.[118] **It was *only* after we threatened going to court and getting an order that the City released the photos.**[119]

It is important also to note that the City previously released images showing blood (including in this very room; see Image 2.7 above) but appears to have used blood as its excuse not to release these particular photos showing the blocked exit. It is also important to note that the cost to redact these images was $55.88. All of this is documented in follow-up public records request for the unredacted photographs, **Request No. 25-20521**, which was incorporated into the public records lawsuit against the City of Orlando later to acquire police training records—Case No. 2025-CA-011023-O.

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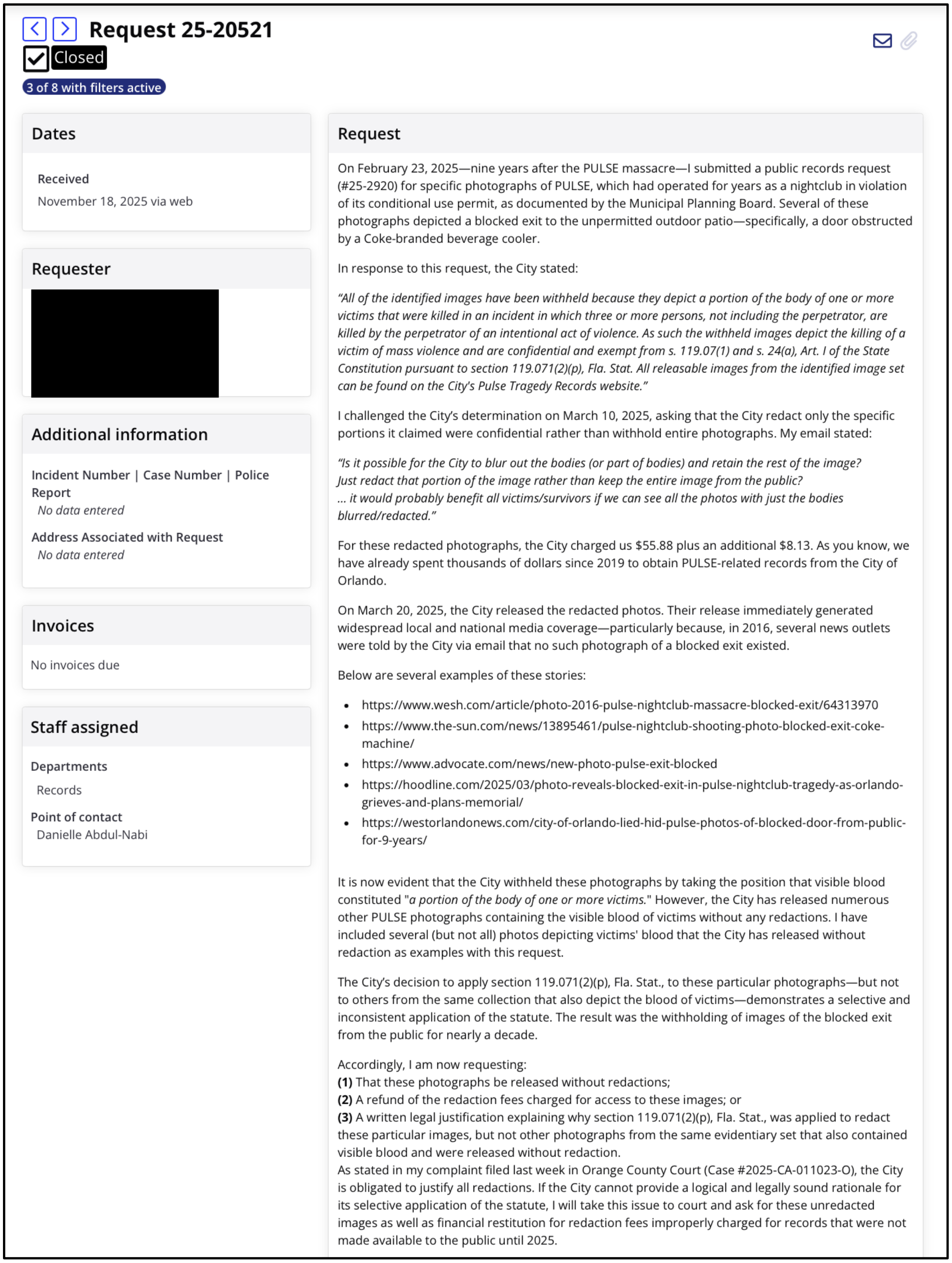
[118] "Newly released photo from PULSE nightclub massacre reignites blocked exit debate," Michelle Imperato, *WESH 2*, March 28, 2025, https://www.wesh.com/article/photo-2016-pulse-nightclub-massacre-blocked-exit/64313970; "PULSE nightclub victim's family receive photos after nine years of request," Valerie Boey, *WFTV*, March 27, 2025, https://www.wftv.com/news/local/pulse-nightclub-victims-family-recieve-photos-after-nine-years-request/BXDQM26QIBHXJEATQFEMRLP3FA/; "FATAL MISTAKE: New PULSE nightclub shooting photo shows where trapped victim 'bled to death' as families demand answers on blocked exit," Rachel Dobkin, *The Sun*, March 28, 2025, https://www.the-sun.com/news/13895461/pulse-nightclub-shooting-photo-blocked-exit-coke-machine/.

[119] First email regarding a court order was sent to the Records Department, City Clerk, and City Attorney on March 4, 2025.



Request 25-20521

☑ Closed

3 of 8 with filters active

Dates

Received
November 18, 2025 via web

Requester

[redacted]

Additional information

Incident Number | Case Number | Police Report
No data entered

Address Associated with Request
No data entered

Invoices

No invoices due

Staff assigned

Departments
Records

Point of contact
Danielle Abdul-Nabi

Request

On February 23, 2025—nine years after the PULSE massacre—I submitted a public records request (#25-2920) for specific photographs of PULSE, which had operated for years as a nightclub in violation of its conditional use permit, as documented by the Municipal Planning Board. Several of these photographs depicted a blocked exit to the unpermitted outdoor patio—specifically, a door obstructed by a Coke-branded beverage cooler.

In response to this request, the City stated:

"All of the identified images have been withheld because they depict a portion of the body of one or more victims that were killed in an incident in which three or more persons, not including the perpetrator, are killed by the perpetrator of an intentional act of violence. As such the withheld images depict the killing of a victim of mass violence and are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution pursuant to section 119.071(2)(p), Fla. Stat. All releasable images from the identified image set can be found on the City's Pulse Tragedy Records website."

I challenged the City's determination on March 10, 2025, asking that the City redact only the specific portions it claimed were confidential rather than withhold entire photographs. My email stated:

"Is it possible for the City to blur out the bodies (or part of bodies) and retain the rest of the image?
Just redact that portion of the image rather than keep the entire image from the public?
... it would probably benefit all victims/survivors if we can see all the photos with just the bodies blurred/redacted."

For these redacted photographs, the City charged us $55.88 plus an additional $8.13. As you know, we have already spent thousands of dollars since 2019 to obtain PULSE-related records from the City of Orlando.

On March 20, 2025, the City released the redacted photos. Their release immediately generated widespread local and national media coverage—particularly because, in 2016, several news outlets were told by the City via email that no such photograph of a blocked exit existed.

Below are several examples of these stories:

- https://www.wesh.com/article/photo-2016-pulse-nightclub-massacre-blocked-exit/64313970
- https://www.the-sun.com/news/13895461/pulse-nightclub-shooting-photo-blocked-exit-coke-machine/
- https://www.advocate.com/news/new-photo-pulse-exit-blocked
- https://hoodline.com/2025/03/photo-reveals-blocked-exit-in-pulse-nightclub-tragedy-as-orlando-grieves-and-plans-memorial/
- https://westorlandonews.com/city-of-orlando-lied-hid-pulse-photos-of-blocked-door-from-public-for-9-years/

It is now evident that the City withheld these photographs by taking the position that visible blood constituted "*a portion of the body of one or more victims.*" However, the City has released numerous other PULSE photographs containing the visible blood of victims without any redactions. I have included several (but not all) photos depicting victims' blood that the City has released without redaction as examples with this request.

The City's decision to apply section 119.071(2)(p), Fla. Stat., to these particular photographs—but not to others from the same collection that also depict the blood of victims—demonstrates a selective and inconsistent application of the statute. The result was the withholding of images of the blocked exit from the public for nearly a decade.

Accordingly, I am now requesting:
(1) That these photographs be released without redactions;
(2) A refund of the redaction fees charged for access to these images; or
(3) A written legal justification explaining why section 119.071(2)(p), Fla. Stat., was applied to redact these particular images, but not other photographs from the same evidentiary set that also contained visible blood and were released without redaction.
As stated in my complaint filed last week in Orange County Court (Case #2025-CA-011023-O), the City is obligated to justify all redactions. If the City cannot provide a logical and legally sound rationale for its selective application of the statute, I will take this issue to court and ask for these unredacted images as well as financial restitution for redaction fees improperly charged for records that were not made available to the public until 2025.

The City could have released these redacted images to the public when journalists were asking specifically about the "coke machine" and the blocked exit back in 2016. The City used the mass violence exemption in Florida s. 119.07(1) to keep facts from the public; not to protect the privacy of victims/survivors or from re-traumatizing content—as is the statute's intended purpose.

If the City of Orlando was concerned with preventing the revictimization of victims' families and survivors, it would have released the documented facts as soon as possible and been honest with the public. Instead, it worked to keep this information from the public—only to be discovered nine years after the shooting.

The release of these photographs revealed that the City of Orlando lied and gaslit the public again on October 3, 2023, when it falsely claimed that it "provided full transparency by the release of *all* public records online."[120] Clearly, the City did not release *all* records.

There are still records pertaining to the shooting that the City has not released and could release. Some of these are the subject of ongoing litigation and additional open public records requests filed with the City.[121] The City could have done the same thing with police body cam footage and dash cam footage. Instead, the City withheld entire portions of these recordings and applied full-frame blackouts to segments of video that could have been released, in whole or in part, by blurring exempt material in accordance with the principle of segregability.

While the Pomas' lawyer has claimed that the door to the outside which the Coke machine blocked was not an "exit," the City of Orlando's Fire Marshal Tammy Hughes stated in text messages that it was, in fact, an exit. Regardless of legal semantic games, this door led to the outside and was blocked, trapping five victims/survivors for 30 minutes—causing one victim to bleed out and die from the lack of receiving timely care.

Unlike City officials who had never been in the building and unlike Poma's lawyer Gus Benitez, who was paid by the Pomas to defend them, Fire Marshal Hughes was a neutral third party who was, for years, familiar with the PULSE building. She knew and stated very clearly, in writing, that "the club owner had blocked the exit with a coke machine." She also stated in another text message, that the Pomas were permitted, by Timothy Johnson (TJ), to violate fire safety codes.[122]

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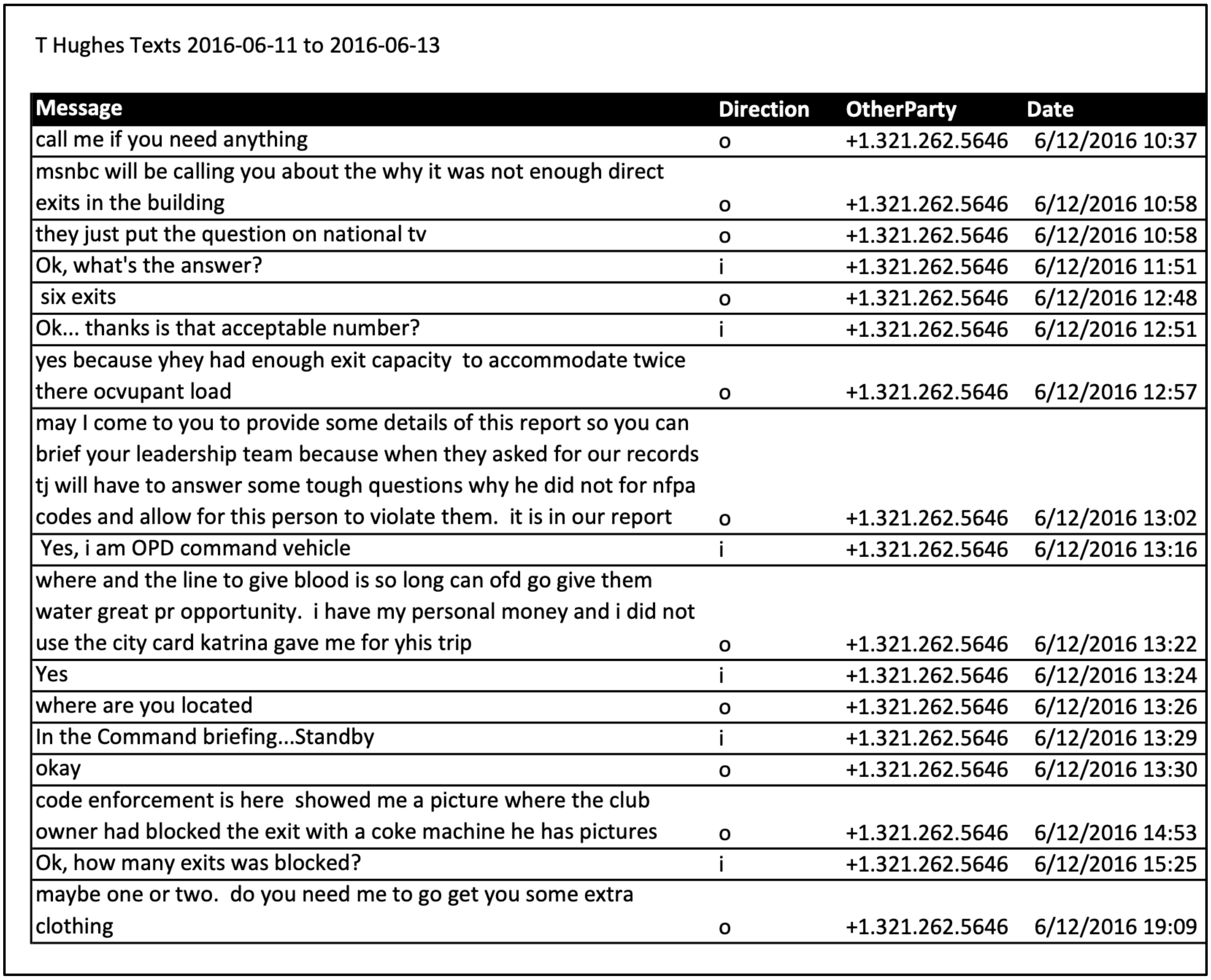
[120] "Orlando Mayor Buddy Dyer Refuses to Resign from OnePULSE Foundation," *West Orlando News*, October 3, 2023, https://westorlandonews.com/orlando-mayor-buddy-dyer-refuses-to-resign-from-onepulse-foundation/.

[121] See Case No. 2025-CA-011023-O, *Zachary Blair v. City of Orlando* (2025); As of April 28, 2026, we currently have 26 open requests for public records on the City of Orlando's NextRequest platform.

[122] T. Hughes Texts 2016-06-11 to 2016-06-13. City of Orlando. https://www.orlando.gov/files/sharedassets/public/v/1/initiatives/pulse/fire-marshal-t-hughes-texts-2016-06-11-to-06-13-1.pdf.



T Hughes Texts 2016-06-11 to 2016-06-13

Message	Direction	OtherParty	Date
call me if you need anything	o	+1.321.262.5646	6/12/2016 10:37
msnbc will be calling you about the why it was not enough direct exits in the building	o	+1.321.262.5646	6/12/2016 10:58
they just put the question on national tv	o	+1.321.262.5646	6/12/2016 10:58
Ok, what's the answer?	i	+1.321.262.5646	6/12/2016 11:51
six exits	o	+1.321.262.5646	6/12/2016 12:48
Ok... thanks is that acceptable number?	i	+1.321.262.5646	6/12/2016 12:51
yes because yhey had enough exit capacity to accommodate twice there ocvupant load	o	+1.321.262.5646	6/12/2016 12:57
may I come to you to provide some details of this report so you can brief your leadership team because when they asked for our records tj will have to answer some tough questions why he did not for nfpa codes and allow for this person to violate them. it is in our report	o	+1.321.262.5646	6/12/2016 13:02
Yes, i am OPD command vehicle	i	+1.321.262.5646	6/12/2016 13:16
where and the line to give blood is so long can ofd go give them water great pr opportunity. i have my personal money and i did not use the city card katrina gave me for yhis trip	o	+1.321.262.5646	6/12/2016 13:22
Yes	i	+1.321.262.5646	6/12/2016 13:24
where are you located	o	+1.321.262.5646	6/12/2016 13:26
In the Command briefing...Standby	i	+1.321.262.5646	6/12/2016 13:29
okay	o	+1.321.262.5646	6/12/2016 13:30
code enforcement is here showed me a picture where the club owner had blocked the exit with a coke machine he has pictures	o	+1.321.262.5646	6/12/2016 14:53
Ok, how many exits was blocked?	i	+1.321.262.5646	6/12/2016 15:25
maybe one or two. do you need me to go get you some extra clothing	o	+1.321.262.5646	6/12/2016 19:09

Orlando Fire Marshal Tammy Hughes' Text Messages from June 12, 2016: Even though the six exits were identified, they were not all "direct exits" and building plans show that there should have been seven doors leading to the outside. Remember, Hughes at this time only had in her possession the outdated building plans of PULSE, as evidenced by the photographed plans she emailed to Fire Chief Roderick Williams via email on June 12, 2016, at 9:06 AM. Hughes also states that Timothy Johnson allowed the Pomas to violate National Fire Protection Association (NFPA) codes, which are national standards and requirements for fire safety and protection; also known as life safety codes.

In the same batch of text messages, Hughes also referred to a report that the City later claimed does not exist.[123] Hughes stated, "may I come to you to provide some details of this report…" The City responded to our public records request with: "No Responsive Records."

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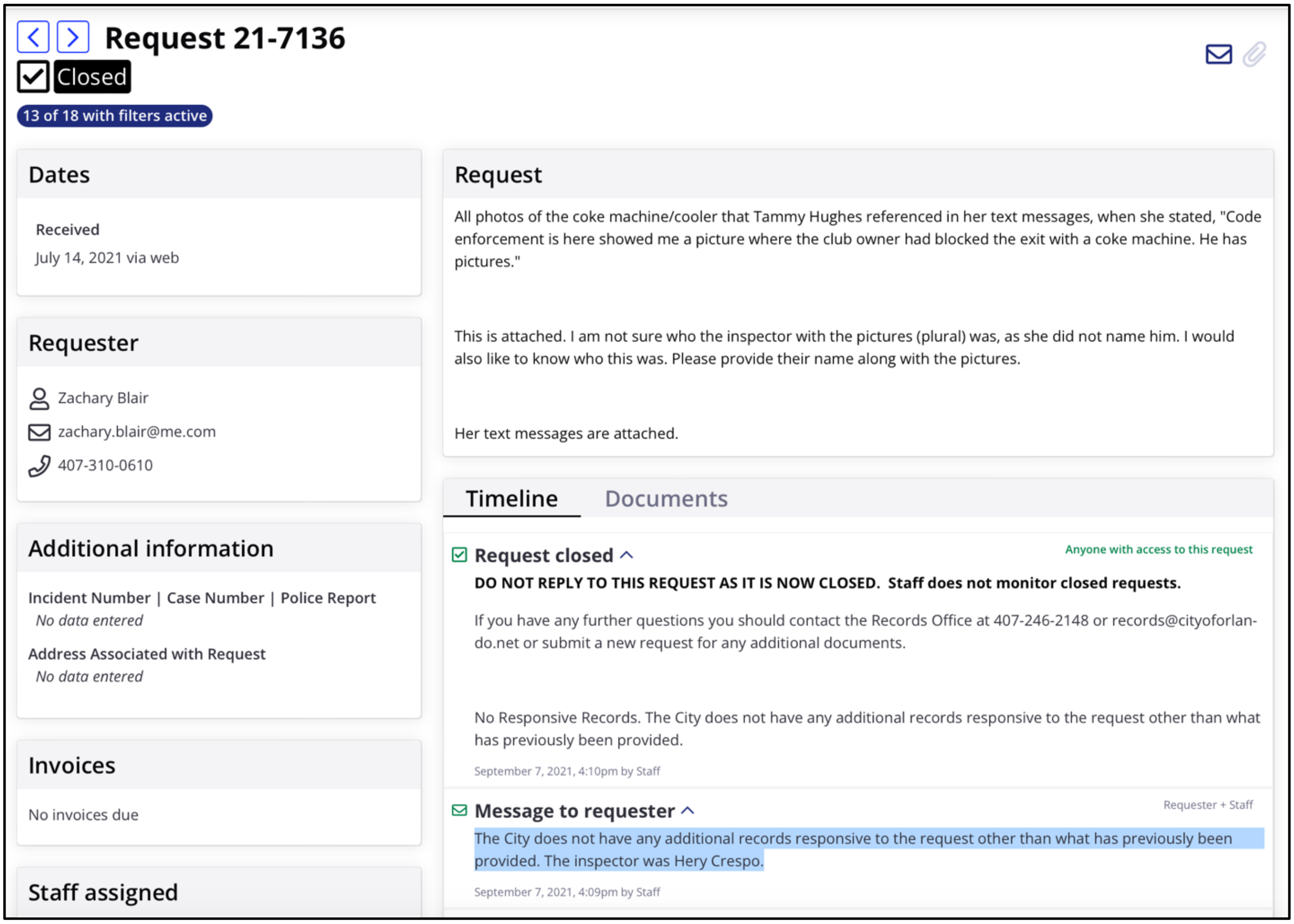
[123] Request 23-13542. City of Orlando.



Request 21-7136

☑ Closed

13 of 18 with filters active

Dates

Received
July 14, 2021 via web

Requester

Zachary Blair
zachary.blair@me.com
407-310-0610

Additional information

Incident Number | Case Number | Police Report
No data entered

Address Associated with Request
No data entered

Invoices

No invoices due

Staff assigned

Request

All photos of the coke machine/cooler that Tammy Hughes referenced in her text messages, when she stated, "Code enforcement is here showed me a picture where the club owner had blocked the exit with a coke machine. He has pictures."

This is attached. I am not sure who the inspector with the pictures (plural) was, as she did not name him. I would also like to know who this was. Please provide their name along with the pictures.

Her text messages are attached.

☑ **Request closed**

Anyone with access to this request

DO NOT REPLY TO THIS REQUEST AS IT IS NOW CLOSED. Staff does not monitor closed requests.

If you have any further questions you should contact the Records Office at 407-246-2148 or records@cityoforlando.net or submit a new request for any additional documents.

No Responsive Records. The City does not have any additional records responsive to the request other than what has previously been provided.

September 7, 2021, 4:10pm by Staff

Message to requester

Requester + Staff

The City does not have any additional records responsive to the request other than what has previously been provided. The inspector was Hery Crespo.

September 7, 2021, 4:09pm by Staff

Records Request 21-7136: Asking specifically for the photographs of the blocked exit referred to by Fire Marshal Tammy Hughes. The City stated, in 2021, that the photographs did not exist. This, of course, was proven false when the photographs were released in 2025 after our persistent requests.

In addition to blatantly lying and misleading us in multiple public records requests made over the span of years, the City also misled and lied to reporters who were making the same inquiry for these photos in 2016.

Emails between Heather Fagan and *New York Times* reporter Frances Robles show how the City continued to mislead the public, thwart reporting, and prevent these images from being released to the public for nearly 9 years. When Fagan was promoted to Chief of Staff (one of the City's highest paid positions) by Mayor Buddy Dyer, the City claimed that "One of her greatest contributions to the city was following the PULSE tragedy, when she led the City of Orlando's communications response."[124]

According to autopsy reports released by Orange County, Luis Omar Ocasio Capo died at the hospital after suffering from cardiac arrest. This was after he was trapped inside the room at PULSE with a blocked exit where he bled out for 30 minutes before being extracted. In 2024, *Orlando Health* proudly, but misleadingly, stated that all victims survived who made it to operating rooms.[125] This appears to reflect a public-facing narrative rather than the true facts of the matter, as Juan Guerrero's family was told he died in a hospital elevator—never reaching an operating room. Other victims, like Luis Capo, also died at the hospital. Some never made it to the hospital's operating rooms but still died at the hospital. At a private panel discussion hosted by the Tiger Bay Club on May 23, 2026, Dr. Michael Cheatham—the trauma surgeon at Orlando Regional Medical Center who helped save lives at PULSE—is quoted saying, "Every shooting victim who arrived at ORMC alive ultimately survived." **This is** an expanded version of the hospital's decade-old public relations statement and **is contradicted by the documented facts.** Both City and County records show 8-9 victims died at the hospital.

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[124] https://www.orlando.gov/News/Press-Releases/2020-Press-Releases/Orlando-Mayor-Buddy-Dyer-Announces-New-Senior-Staff-Appointments

According to a whistleblower who worked that night in the emergency room of Orlando Regional Medical Center (which is owned by Orlando Health), the ER was understaffed. They alleged that administrative employees and volunteers with no medical background were given tasks that they should not have had, like picking up bodies piled up outside the decontamination area next to the entrance and bringing them inside.

Also, PULSE victims were pronounced dead when they were still alive and suffering from unimaginable injury from his gunshot wounds. PULSE survivor Keinon Carter was one of those. Keinon had a sheet put over his head while he was still alive. The hospital whistleblower also alleged that another female victim in a hallway bed had a blanket draped over her head by medical staff. Later, a nurse realized that the patient, thought to be deceased, had pulled the blanket off of herself and was holding it in her hand.

According to the whistleblower, when a Code Silver (Active Shooter) was called, it impacted the hospitals' ability to treat patients. It was a false alarm, but hospital staff still responded in the midst of chaos. Nurses turned off lights and hid—one even in a room with a patient. While she crouched down to hide, she held her hand against the bleeding wound of a victim. The whistleblower alleged that hospital staff also placed trash cans in front of the ER entrance to prevent any shooter from coming in and that this caused the entrance to be blocked even as first responders were trying to still bring shooting victims in. The emergency room staff were not properly trained for a Code Silver, the whistleblower stated.

According to a 2018 medical analysis by experts at Georgetown University, published in the Journal of Prehospital Emergency Care, Luis Capo's death—and the deaths of 15 additional PULSE victims—were deemed "potentially preventable" had timely medical care been provided.[126] The analysis does not mention victims by name, but we were able to figure this out by matching the injuries described in the medical journal with the injuries described in victims' autopsy reports.

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[125] "Orlando Health unveils expanded ORMC Trauma Center 8 years after PULSE tragedy," Gene Saladna, *WFTV*, June 12, 2024, https://www.wftv.com/news/local/orlando-health-unveils-expanded-ormc-trauma-center-8-years-after-pulse-tragedy/36XLT6CZ2BD3ZJKRWUUZ3BTHGQ/.

[126] E. Reed Smith, Geoff Shapiro & Babak Sarani (2018), "Fatal Wounding Pattern and Causes of Potentially Preventable Death Following the PULSE Night Club Shooting Event," *Prehospital Emergency Care*, 22:6, 662-668, DOI: 10.1080/10903127.2018.1459980.

The article states:

> *Of all persons with documented hospital registration ID bands, we surmised that only 5 had signs of life on arrival based on documented evidence that they underwent advanced resuscitative procedures. Of these, 4 were felt to have been potentially preventable deaths. These included a patient with a femoral artery injury, one with an axillary artery/vein injury, one with an injury to the bowel and its mesentery, and one who underwent resuscitative thoracotomy for a subclavian artery/vein injury. The remaining patient who had both evidence of hospital arrival and advanced medical procedures was not felt to be potentially preventable due to combined iliac and auxiliary artery/vein injuries.*

When we compare these descriptions of victims registered at the hospital with the autopsy reports, we were able to identify the victims whose deaths were "potentially preventable." Again, this is defined as "survival if prehospital care is provided within 10 minutes and trauma center care within 60 minutes of injury," which are guidelines developed specifically to account for both the competing tactical and medical objectives during civilian high threat operations.

These victims were: (1) **Luis Capo**; (2) **Juan Guerrero**, (3) **Enrique Rios**, and (4) **Corey Connell**. All of these victims' families have the right to know that their deaths were "potentially preventable." We determined based on the autopsy reports that the victim registered at the hospital whose death was not "potentially preventable" was likely **Eric Ortiz Rivera**.

Based on survivor accounts, all except Luis Capo, appear to have been pulled off of the dance floor or out of the main bar area when law enforcement began dragging people out at 2:15 AM according to the **Police Foundation's** Critical Incident Review entitled, "Rescue, Response, and Resilience,"[127] which means these wounded victims did not get prehospital care until after the 10-minute guideline, if they received any pre-hospital care at all as some victims were transferred to the hospital via pickup truck, in the back seats of police cars rather than by ambulance, or were declared dead in the triage area.

Of course, these medical guidelines also cannot be achieved when law enforcement fails to follow Active Shooter Protocol as is what occurred here. Police officers did not enter the nightclub while shots were being fired and entered after eight minutes when the gunman's AR15 jammed. The medical guidelines cannot be achieved either when first responders had difficulty navigating a building without floor plans and when victims/survivors are trapped throughout a darkened building with no visible windows and its walls painted black, when doors are blocked, or when victims are trapped in "dead end" unpermitted spaces. Not to mention the communication errors and lack of proper equipment, which prevented paramedics from going in to save victims.

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[127] We requested from the Department of Justice (DOJ) the records that were used to inform this 2017 report. Through this records request, we learned that the DOJ never reviewed or had access to any of the documentation used to generate this report. It was done exclusively by a pro-police nonprofit, then called The Police Foundation and now called National Policing Institute. The DOJ did not conduct a review of their methods and the data used by the Foundation. This document is not the product of the DOJ. When we pressed the Foundation for these records, which supposedly included interviews with police, we were told by the nonprofit that they do not keep anything after 4 years. Being a nonprofit, they are also under no obligation to give us any records or documentation regarding this review. When the government pushes its work onto nonprofits and hires nonprofit contractors/consultants, there is not adequate oversight or accountability. The same transparency rules that apply to government agencies do not apply to the nonprofits it hires. Thus, the public cannot get access to any of the information/data The Police Foundation collected.

The Police Foundation report also made the misleading claim that, "…because of the emergency medical care provided by first responders and the timeliness with which patients were transferred to local hospitals, all of the 35 people who had been shot and reached operating rooms alive—even with the most critical of injuries—survived." However, the Police Foundation's praise of the timeliness of first responders is not supported by the analysis done by the nation's top medical professionals, which shows that 16 of the 49 victims (33%) would have survived had they received medical care sooner and within standard medical guidelines.

It appears that the Police Foundation was preemptively attempting to deflect future criticism of law enforcement's over-three-hour response—the longest in U.S. mass shooting history and nearly two hours longer than the Uvalde shooting response, which resulted in a grand jury, indictments and a critical incident review that was actually conducted by the Department of Justice (DOJ) and not outsourced to a nonprofit.[128]

Unlike the Police Foundation's report on PULSE—which praises law enforcement throughout—the DOJ's analysis of Uvalde's response documented failures it called "unimaginable" and "systemic," even though officers there neutralized the shooter in 1 hour and 14 minutes. That is about a third of the time Orlando law enforcement took at PULSE.

Based on the facts, the same criticism could have been said about the PULSE response and, perhaps, would have been said had the DOJ been the author of the critical incident review. However, because a pro-police nonprofit authored the report, it bypassed any legitimate public oversight and was never subjected to formal peer review—meaning the data they collected and the methods they used were never independently scrutinized.

Furthermore, when interviewed by the *Orlando Sentinel*, survivor **Selvin Dubon**, said he had trouble exiting the building the night of the shooting. He said some of his friends said there was an exit blocked. "It was like a wood door," he said. "So, we went to the other exit and came out at a gas station." He survived, but two of his friends died.[129]

There are several other survivors who encountered locked or blocked doors while they were trying to flee the nightclub, which have been documented by journalists over the years. Another was **Amanda**

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[128] As of 2025, it appears the Trump Administration removed the Uvalde Critical Incident Review from the DOJ website as it used to be accessible here: https://cops.usdoj.gov/uvalde. However, the report can be accessed through the New Mexico Public Education Department, here: https://webnew.ped.state.nm.us/wp-content/uploads/2024/07/Uvalde-TX-Robb-Elem.-Critical-Incident-Review.pdf

[129] "Fire department disputes official reports of exit door blockage at PULSE," *Orlando Sentinel*, June 10, 2018. https://www.orlandosentinel.com/2016/06/29/fire-department-disputes-official-reports-of-exit-door-blockage-at-pulse/

Grau, who after getting shot and blacking out on the dance floor, eventually got up and ran to a door that she believed was a fire exit that led outside the club. When she tried to open it, it was locked. Unable to escape, she ran into the Adonis Room and then into the bathrooms where she was shot three more times and trapped for over 3 hours with the shooter.[130]

Again, there has been no independent investigation into these experiences. They have only been uncovered through direct conversations with survivors—the people who experienced the PULSE death trap who were the only witnesses and the only people in the building at the time of the shooting. Ten years on, after seven years of protests and public demands for accountability, not one law enforcement agency has acted in any meaningful and legitimate way. **The victims of what was the deadliest mass shooting in U.S. history are still waiting for justice.**

Since 2016, the City of Orlando has defended itself and the nightclub owners, stating that only two exits were required by fire codes for a building with its allowed maximum capacity of 299. This is true, as two exits are the minimum required for spaces up to 500 occupants. However, that does not mean PULSE's exits did not violate fire codes or that they did not constitute life safety violations that hindered evacuation.

Under NFPA 101 —the Life Safety Code adopted by Florida—an exit is defined as:

> *That portion of a means of egress that is separated by construction or equipment from other areas of the building. Exit components include walls, floor, doors, or other means that provide the protected path necessary for the occupants to proceed with reasonable safety to the exterior of the building.*

Related to that definition, "means of egress" is defined as:

> *A continuous and unobstructed way of travel from any point in a building or structure to a public way consisting of three separate and distinct parts: (1) the exit access, (2) the exit, and (3) the exit discharge.*

Thus, only two of PULSE's exits adhered to these legal definitions and they were both located within 30 feet of each other on the South side of the building, separated by an unpermitted hallway and metal beaded curtains hanging in the passage's doorways which limited visibility both for patrons and for first responders.

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[130] Unpublished interview.

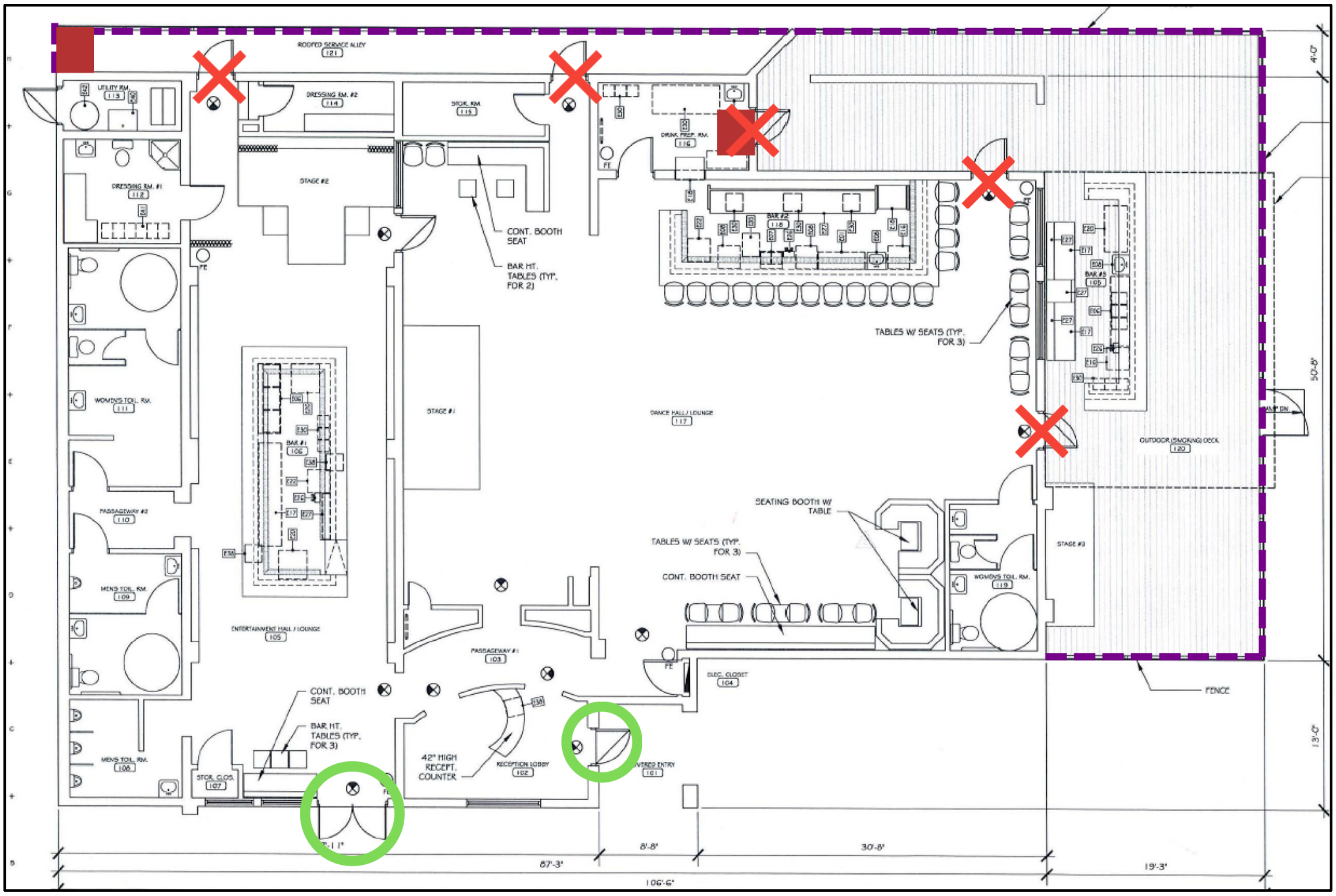
ROOFED SERVICE ALLEY
121
UTILITY RM.
113
DRESSING RM. #2
114
STOR. RM.
115
DRINK PREP. RM.
116
DRESSING RM. #1
112
STAGE #2
CONT. BOOTH SEAT
BAR HT. TABLES (TYP. FOR 2)
BAR #2
118
TABLES W/ SEATS (TYP. FOR 3)
BAR #3
105
FE
WOMEN'S TOIL. RM.
111
STAGE #1
DANCE HALL / LOUNGE
117
OUTDOOR (SMOKING) DECK
120
RAMP DN.
BAR #1
106
PASSAGEWAY #2
110
SEATING BOOTH W/ TABLE
TABLES W/ SEATS (TYP. FOR 3)
CONT. BOOTH SEAT
STAGE #3
MENS TOIL. RM.
109
WOMENS TOIL. RM.
119
ENTERTAINMENT HALL / LOUNGE
105
PASSAGEWAY #1
103
ELEC. CLOSET
104
FENCE
CONT. BOOTH SEAT
BAR HT. TABLES (TYP. FOR 3)
MENS TOIL. RM.
108
STOR. CLOS.
107
42" HIGH RECEPT. COUNTER
RECEPTION LOBBY
102
COVERED ENTRY
101
4'-0"
50'-8"
13'-0"
87'-3"
8'-8"
30'-8"
19'-3"
106'-6"

Diagram of PULSE's False Exits: The two exits circled in green are the only two exits that match the legal definition of an exit, as defined by NFPA standards. The red boxes represent the two Coke-branded refrigerators that blocked what was supposed to be means of egress. The purple dotted line represents the unpermitted fence that illegally enclosed the North and East portions of the building, including the unpermitted patio. Four of the five doors that were supposed to be exits were improperly designated as exits, in violation of NFPA standards. The fifth exit was blocked by the second Coke-branded refrigerator. The fence gates were latched and lacked the required emergency panic hardware.

PULSE's other five "exits" were not exits at all, as they did not lead to a public way. Rather, they led patrons into latched, fenced-in areas with no panic hardware. One of these exit doors was blocked by the Coke-branded refrigerator. PULSE was legally required per fire code to mark these doors, "NO EXIT." However, PULSE improperly marked four of these doors as "EXIT." This is illegal and a life safety violation.

Under Section 14.14.8.3.1 of the Florida Fire Prevention Code and OSHA 29 CFR 1910.37(b)(5), doors that are not exits and could be mistaken for exits are required by law to be marked **NO EXIT**.[131] The doors at PULSE that opened onto illegally fenced enclosures were not exits. The law required them to say so. Instead, they were marked **EXIT**. The violation wasn't the absence of a sign or a door. The violation was the presence of the wrong one — the one that sent people running toward an unpermitted fence and through a cluttered "service alley" while a gunman was behind them.

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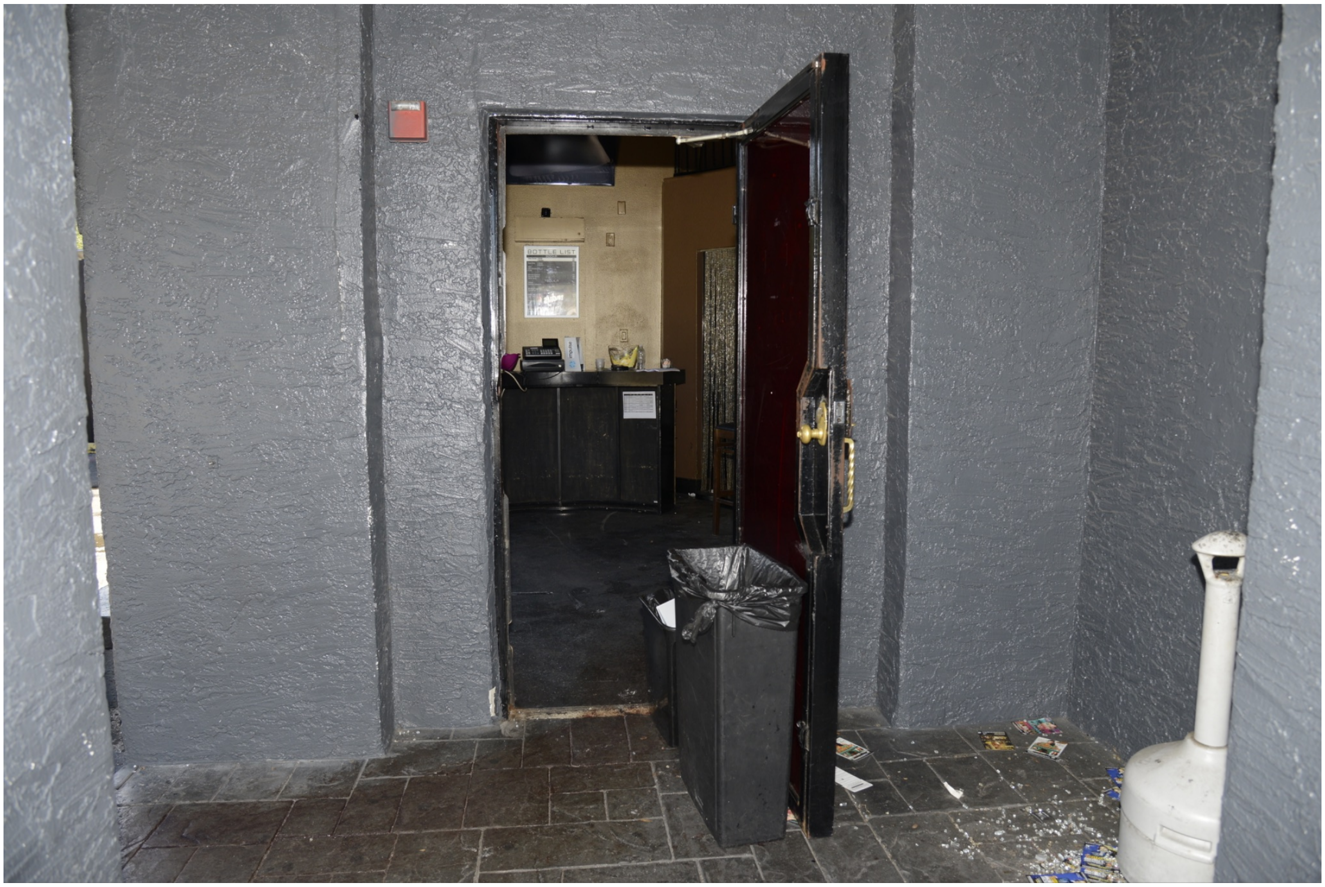
[131] The OSHA citation applies to employers and their employees — not to patrons, who are governed by the Florida Fire Prevention Code. This distinction matters here because one PULSE employee died on June 12, 2016: Kimberly "KJ" Morris, 37, a bouncer who had moved to Orlando just two months before the shooting to care for her aging mother and grandmother and had recently found work at PULSE. Her ex-girlfriend told the *Orlando Sentinel* she "had just started working there"—less than a week. Morris worked in a building that violated OSHA's exit marking requirements. She was never given the protections federal law required her employer to provide.

The fence gate could have been an exit had it not violated code, been erected without permits, had two latches, and no panic hardware.

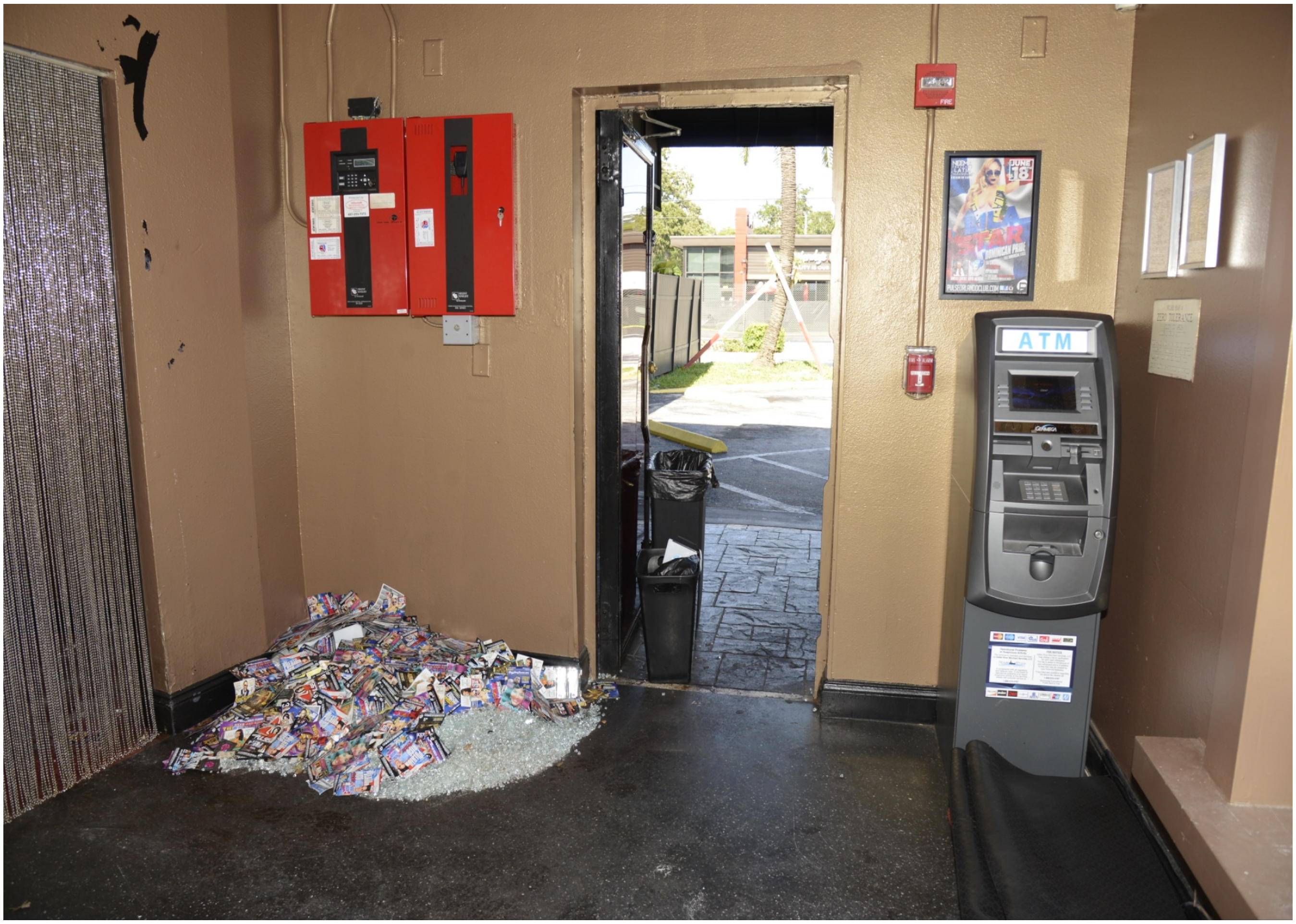
The second exit violation is the placement of PULSE's only two exits, as defined by the law. PULSE's two exits are, again, roughly 30 feet apart. According to PULSE's floor plans, the maximum diagonal is 118 feet. This means that the exits at PULSE had to be separated at a minimum of 59 feet, if PULSE lacked the required sprinkler system, or 39 feet if it was sprinklered. **PULSE's two exits failed at both of these standards by nearly 10 feet**.

The third exit violation is actually one that came out of the Station Nightclub Fire in 2003 and pertains specifically to nightclubs. NFPA code required PULSE's main entrance/exit to be wide enough to accommodate two-thirds of the total occupant load. The other exits must also accommodate at least half the building occupancy—meaning the total required egress capacity exceeds 100% of the occupant load. According to fire code, **PULSE's main entrance doors were required to be a commercial double door or an extra-wide single commercial door with a minimum opening of 40 inches.**

However, **PULSE's main entry door was a single door** approximately 36-inches wide and lacked the required emergency panic hardware (push bar). Instead, it had a residential-style lever handle with a gold knob/lever set. **This was illegal and in violation of the life safety code.**



PULSE's Main Entry Door (Exterior): The main door to the lobby that the shooter used to enter the nightclub. The view is looking into the nightclub. No security was present, allowing the shooter to walk right into the club twice without being stopped. Required panic hardware was also absent, the door slammed shut and had to be propped open, and the door did not adhere to width requirements per PULSE's occupancy load.

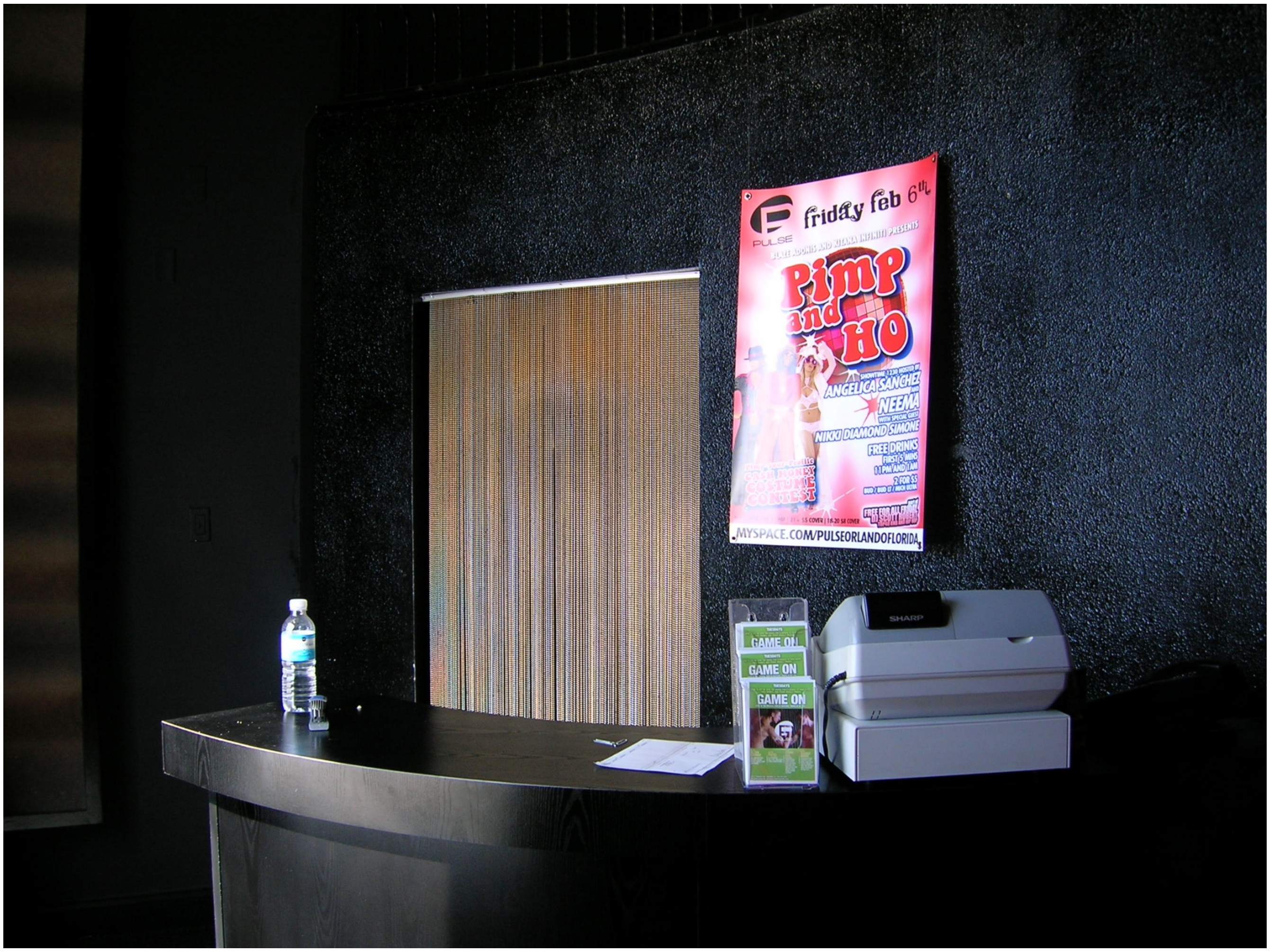


PULSE's Main Entry Door (Interior): PULSE's main door looking out towards Orange Avenue. It had to be propped open because it would slam shut, which even Detective Adam Gruler documented in his sworn testimony with the FDLE. He momentarily thought that the gunshots may have been the door slamming shut. Width, panic hardware, and other Fire Code requirements were not met, and these violations are documented by this photograph taken by the City of Orlando.

The lack of panic hardware on a heavy door that was not fully functioning as required by law is especially concerning when Detective Adam Gruler recounted during his sworn testimony that he witnessed a woman banging on the main door.

> *There's a .... um, Hispanic female who is banging on the door. The main door is a big steel door with a plexiglass insert. Um, when that door slams shut it's very loud and it can sound like that of a small caliber gunshot. Um, and she's banging. So, at that moment I thought I'm going to, going to just yell at this girl because I just called, 'shots fired' and it's her banging on the door. Um, but she stopped and the shooting continued.*

The reception counter channeled and narrowed the egress path to the main door, obstructing one of the beaded doorways into the lobby. The lobby—dimly lit and recessed from the main club space by an unpermitted hallway—functioned as a choke point. Beaded curtains on both sides of that choke point meant that anyone fleeing from inside the club had to penetrate a visual and physical barrier before reaching an already-undersized door with no panic hardware.


PULSE
friday feb 6th
Pimp and HO
ANGELICA SANCHEZ
NEEMA
NIKKI DIAMOND SIMONE
FREE DRINKS
MYSPACE.COM/PULSEORLANDOFLORIDA
GAME ON
GAME ON
GAME ON
SHARP

PULSE Inspection Photo Showing Reception Desk Placement: Taken on February 4, 2009, this photo shows where the reception desk at PULSE was placed (in the middle of the lobby). In the aftermath of the shooting, it was moved by law enforcement, so its actual placement is not documented in the 2016 photos. Obtained through Request 19-8153.

The beaded and black curtains were a code violation independent of any signage, as NFPA 101 requires that the path of egress travel be obvious and direct. A beaded curtain across the sightline to the one of two functional exits in a dark nightclub makes the path of egress neither obvious nor direct.

The missing exit sign compounded the violation: under Section 14.14.1.2.1 of the Florida Fire Prevention Code, a sign is required unless the exit is "obviously and clearly identifiable." This exit was not obviously or clearly identifiable from inside the nightclub, for reasons stated above. **A sign was therefore legally required. There wasn't one**.

The OFD's own inspection checklist—their document, their standard—required them to verify that exit signs were "visible and legible within 100 feet of all points in exit access." They checked that box. The photographs prove they shouldn't have. The OFD had the authority and the obligation to cite both violations. Neither was cited. Thus, the City's repeated statements that: the nightclub was safe and met all requirements are categorically untrue and purposely misleading.

If the OFD deemed PULSE was compliant with all required fire safety codes, it is because OFD disregarded blatant violations that the City later photographed after the shooting. The violations undoubtedly existed. Like other City departments that failed to enforce compliance at PULSE, the OFD just did not properly document these violations in writing or enforce regulations when it came to PULSE.

Other NFPA (life safety) violations that PULSE violated are documented through photographic evidence, despite the OFD's failure to document them in writing or the City's general failure to issue citations to the PULSE owners include:

- Panic hardware is required on exit doors serving assembly occupancies with 100 or more occupants. PULSE's double-latched gates did not have panic hardware.

- NFPA 101 prohibits means of egress for assembly occupancies from going through hazardous areas, including storage spaces like the unpermitted North "service alley" where two designated exits led to.

So, Fire Marshal Tammy Hughes was correct to assume in her text messages that Timothy Johnson was going to face some difficult questions as to why he allowed PULSE to violate fire codes.

However, to date, no one has asked him pointed questions related specific to these violations at PULSE. In lieu of an investigation, the City of Orlando has taken a defensive posture, kept records from the public, and issued misleading statements to gaslight the media and cover up the facts, and then after the shooting, promoted Timothy Johnson, the very City employee who was responsible for bringing the nightclub into compliance.

Johnson was promoted from the Permitting Division Manager to the Deputy Director of the Economic Development Department. He still works in this position as of 2026.

Beaded Curtains and Black Curtains Over Doorways

Beaded and black fabric curtains concealing doorways and exits were another fire code violation the City's inspectors failed to document in writing—and there is ample evidence that shows they, too, hindered the escape and rescue of victims/survivors.

Multiple survivors who found themselves trapped in various parts of the building during the shooting have stated that the beaded curtains blocked their view of the main entrance/exit and caused confusion on where to go as panic enveloped the dark nightclub and bullets were flying.[132]

In response to the issues surrounding the beaded curtains documented in our early report *They Knew*, **the Orlando Police Department** (OPD), in its 2023-2024 "investigation" report, **falsely stated:**

> *From the information provided, it is unclear how many beaded curtains were inside PULSE at the time of the shooting, how long they had been in place, or whether they obstructed actual exits or only internal doorways* (pp. 13-14).

However, it is very clear in the City's own photographs that there were two beaded curtains that sectioned off the main foyer with the main/front entrance from the rest of the building. This statement's semantic structure clearly indicates that the City's main goal was to discredit any part of *They Knew* that they could using word choice, as a true investigation would prove what we already know: (1) that there were two beaded curtains; (2) they had been in place for years and were ignored by OFD; and (3) they obstructed visibility to the main entrance/exit from inside the club and from the reception area to the inside of the nightclub—the latter of which, blocking visibility, was their intended purpose.

The OPD disregarded the City's own photographs and video the night of the shooting. They could have also asked anyone who ever went to PULSE, because those curtains were hanging for years in violation of Fire Code.

The City's own records document that the curtains were there for well over 6 years.[133]

This fire code violation went unchecked and undocumented by the City's inspectors—just as did all of PULSE's code violations and unpermitted renovations, such as its unpermitted fence (which, also never had a written citation).

We are not sure why OPD investigators did not bother to count or look at the City's own historical photographs or the video recorded on the night of the shooting that showed their own first responders working to part the curtains to get visibility to the other side (as is documented below in police body cam footage from Bell Isle Police Officer **Brandon Cornwell**). This abdication demonstrates a total lack of investigative effort. Furthermore, the existence and number of these beaded curtains is a fact that no one—except for the OPD's investigative report—has ever questioned.

The only reason for the OPD to question their existence is to attempt to discredit the accuracy of our own investigative reporting, providing yet another example of how the City of Orlando continues to gaslight victims/survivors and the public—and for what purpose other than to shield itself and the Pomas from being held accountable?

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[132] If investigators, like those with the OPD, are unable to verify this through their own investigative work, they need to contact us so that we can connect them to our network of survivors who were in the nightclub during the shooting and who had this experience.

[133] Request 20-3296. City of Orlando.

Lastly, the beaded curtains were hanging in internal doorways that obstructed the view of the main entrance/exit from inside the club. This was the entrance/exit that most PULSE patrons, especially those who had never been there before, would have been most familiar with since this was the way all customers enter the nightclub. As we also provided in our earlier report, *They Knew*, Florida *Fire Code 14.4.2.1* mandates that, "No furnishings, decorations, or other objects shall obstruct exits or their access thereto, egress therefrom, or visibility thereof." Just obstructing the visibility of exits is a fire code violation. This is precisely what these curtains did.

This sham OPD investigation is not just incompetent—it may constitute a civil rights violation. Florida crime victims are entitled to legitimate investigations and due process from the moment of their victimization. What the OPD produced may even constitute an obstruction of justice.[134]

Marsy's Law (Article I, Section 16), outlines victims' rights, including the right to due process and to be treated with fairness and respect throughout the criminal justice process. Additionally, under Florida Statutes § 960.001, law enforcement agencies are required to provide victims with information about their rights and the criminal justice process, including updates on investigations.

While law enforcement has discretion in prioritizing cases, they generally have a duty to investigate criminal complaints to determine if there is sufficient evidence to pursue charges. Furthermore, Florida Statutes § 943.03 establishes the duties of law enforcement agencies, including enforcing the laws of the state, which implicitly includes investigating criminal complaints.

Again, these curtains were hanging in the interior doorways to the reception area between the club and the hallway that connected the two main rooms of the nightclub. This hallway was also constructed without permits. These curtains were hanging there for years and, like the unpermitted hallway behind them, they were ignored by the City inspectors.

These curtains are documented in photographs taken by the City of Orlando during routine fire inspections and in the crime scene photographs taken by the City.

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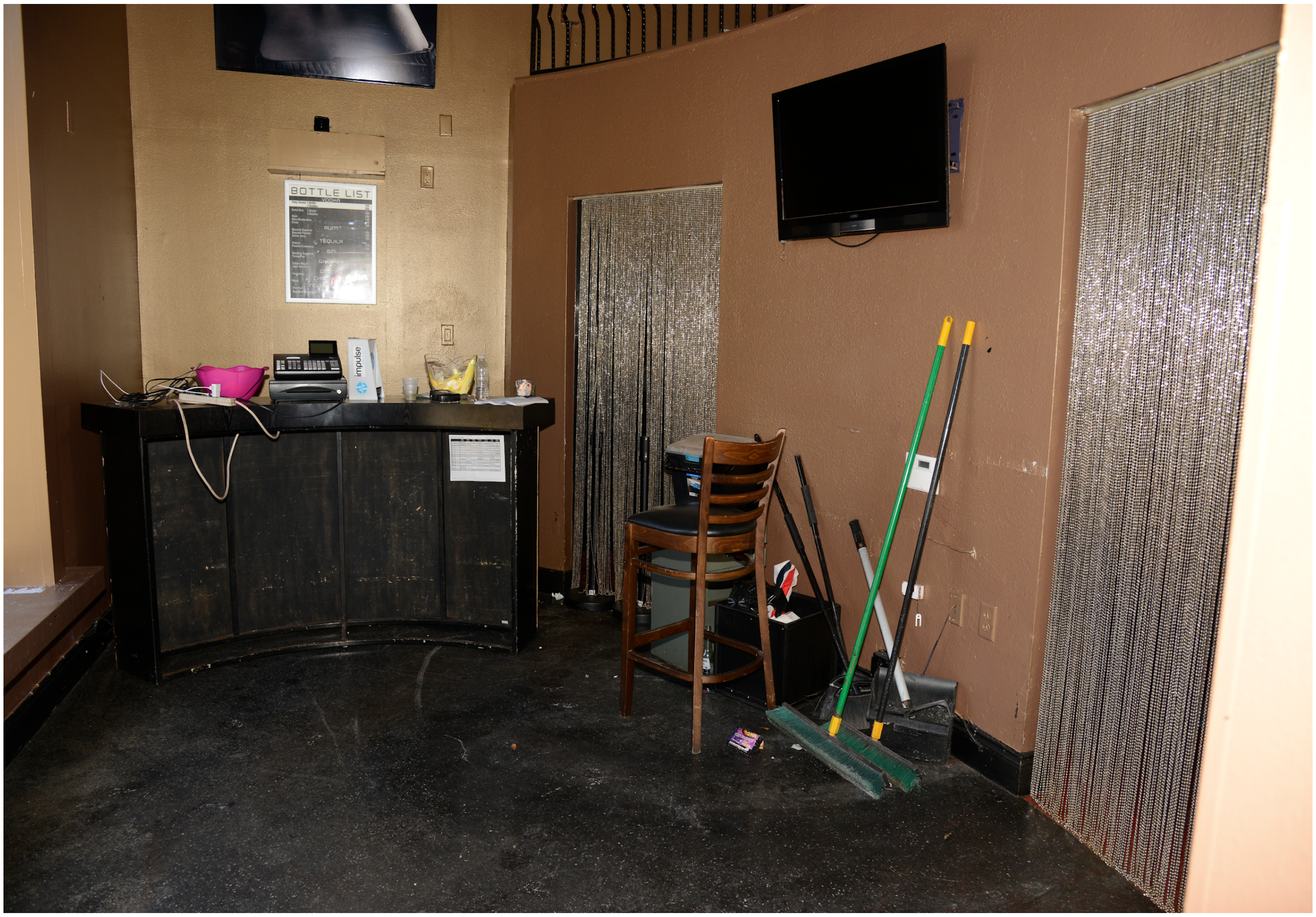
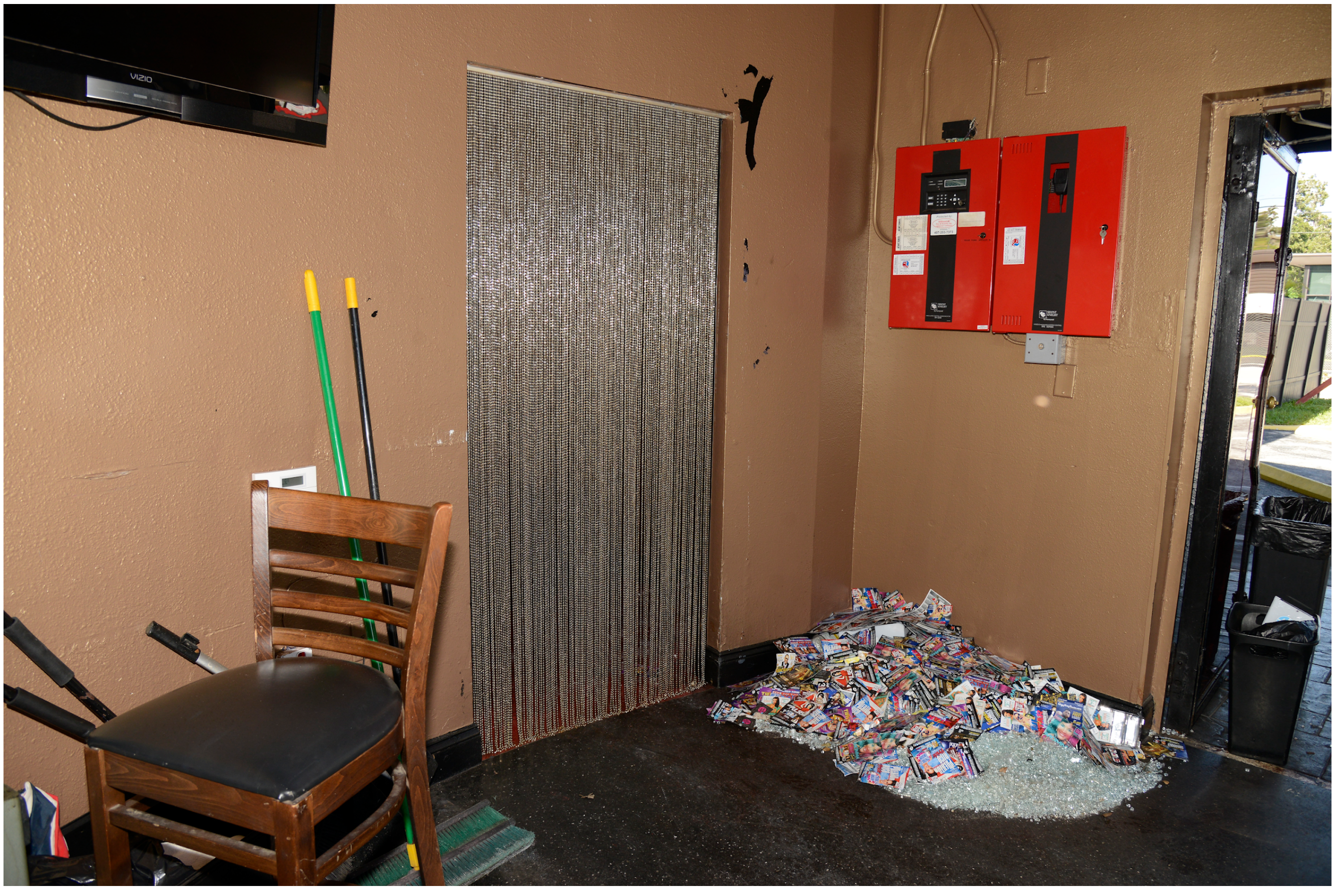
[134] PULSE victims/survivors were majority Black, Latino, and LGBTQ, with many victims' families residing outside of the United States. This brings into question issues concerning the violation of the Equal Protection Clause, especially when the OPD made zero effort to interview complainants outside of the Orlando area. See, *McKee v. City of Rockwall*, 877 F.2d 409 (5th Cir. 1989). Florida Statutes § 30.15 (Sheriff's Duties) requires sheriffs (and by extension, City Police Departments) to uphold state laws and investigate crimes. Official Misconduct under Florida Statutes § 838.022, which prohibits public servants from falsifying records or misrepresenting investigations. Also, Obstruction of Justice under Florida Statutes § 843.0855. Under 42 U.S.C. § 1983, victims can sometimes sue law enforcement for failing to investigate if the failure violates constitutional rights (such as equal protection or due process).



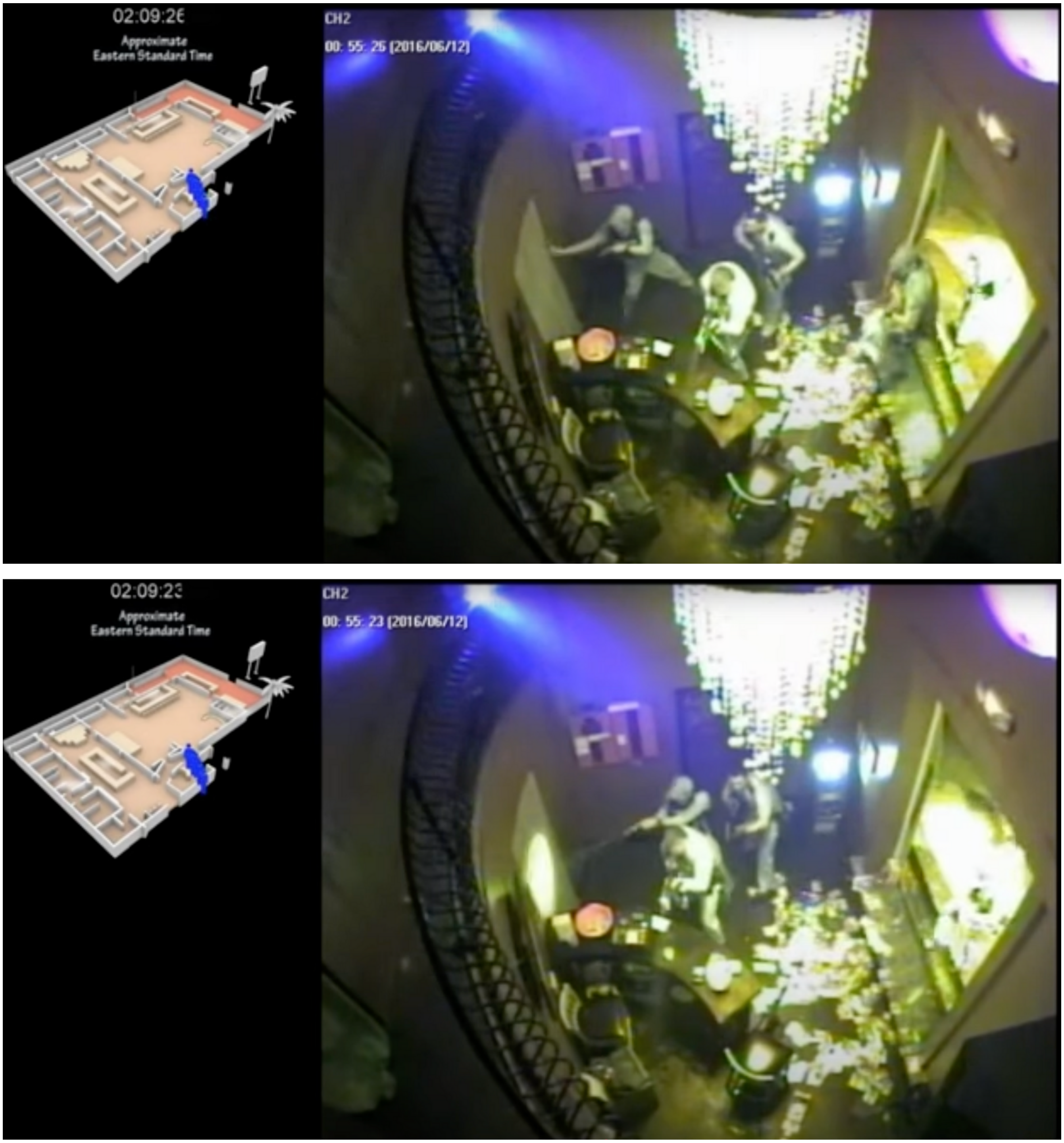
Beaded Curtains Concealing Interior Doorways and Cutting Off Visibility to Main Entrance/Exit: Image _SRM003.JPG, released by the City on January 17, 2017, documents the two beaded curtains hanging in doorways between the reception area and the unpermitted hallway. These curtains concealed the only pathways to the main entrance/exit, which all club patrons used as the point of entry. This is also the room where law enforcement entered the building by breaking PULSE's only window, around eight minutes after the shooting started and after the shooter's rifle jammed. These beaded curtains were a violation of Fire Code, constituting a life safety violation, and were never documented in writing by the City's numerous fire inspections. They were, however, photographed.



First Beaded Curtain Concealing Interior Doorway: Image *_SRM0005.JPG*, taken by the City and released to the public on January 17, 2017, documents how the beaded curtains blocked visibility into the club and of the main entrance/exit for those inside of the club's main rooms.

The placement of these curtains was a strategic commercial decision. They prevented paying customers from looking inside the club and assessing the atmosphere before committing to pay the price of admission—something many of us would do to avoid spending money on an empty or slow night, opting instead for a livelier venue. On June 12, 2016, these curtains worked as they intended. They also blocked responding officers' sightlines into the club from the reception area where they entered—officers who were desperately trying to locate an active shooter in the dark.

This is documented in surveillance footage released by the federal government in Exhibit 100 in *United States of America v. Noor Zahi Salman* (2018). If OPD investigators looked at this footage, they would have seen **that these beaded curtains blocked the visibility of responding police officers.** Cops can be seen trepidatiously pushing the beaded curtains out of their way *and backing up* as they try to enter the club and locate the shooter.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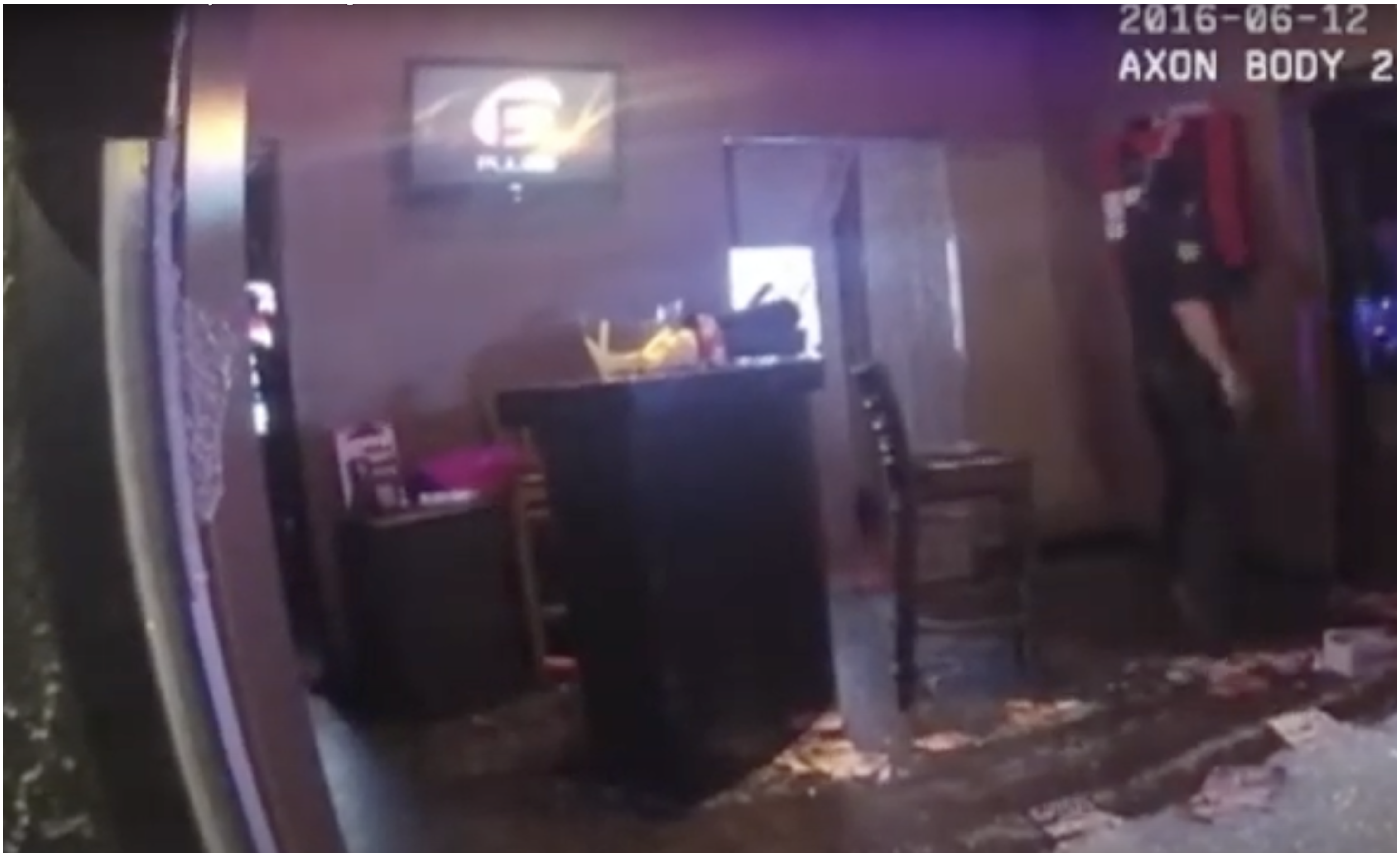
Approximate
Eastern Standard Time
CH2
00: 55: 26 (2016/06/12)
02:09:23
Approximate
Eastern Standard Time
CH2
00: 55: 23 (2016/06/12)

Police Hindered by Beaded Curtains: Police entered PULSE through its only window and tried to get a visual of the shooter and the interior of the club. Their view was obstructed by the metal beaded curtains. One cop used his gun to try to open the curtains in order to see past them. He moved back and the curtains closed. He then took out a flashlight to try to see beyond and through the curtains.

After police realized the shooter retreated into the nightclub's bathroom, law enforcement pinned the curtains back so that they could see inside and made it easier to navigate (go in and out of) the building. This is documented in the police body cam footage of Bell Isle Police Officer **Brandon Cornwell**.



Footage from Belle Isle Police Officer Brandon Cornwell: Shows an officer looking through documents while the beaded curtains are shown to have been pinned back to provide an unobstructed view and access to the interior of the nightclub. Through officer's sworn testimonies used by the FDLE in its Use of Force investigation, we learned that officers were trying to locate building plans, which were not available or posted anywhere in the building.

The fact that the Orlando Fire Department (OFD) failed to cite PULSE's beaded curtains during its "approximately 115 inspections" is not surprising. **City inspectors failed to report numerous violations, including operating as a nightclub, the presence of a dance floor, unpermitted construction work, the unpermitted fence, unpermitted second-floor offices, the unpermitted hallway, and obstructed egress.** The City readily discredited its own inspection reports of PULSE to claim there were no issues with exits and that those reports contained alleged errors.[135] These inspection reports created by City employees are proven to be unreliable, especially when corresponding photographic evidence is undeniable.

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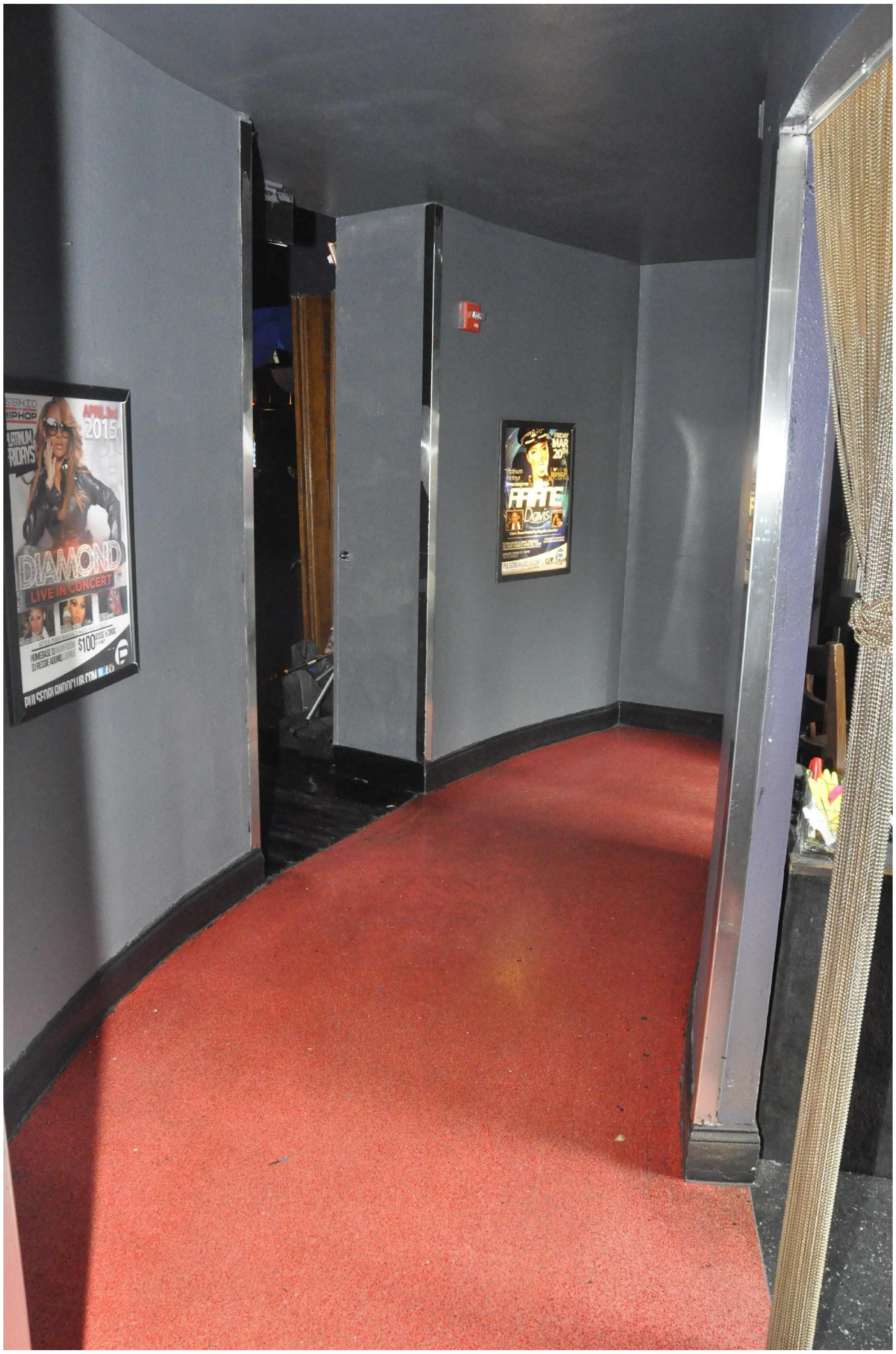
[135] "City of Orlando no says calling door at PULSE 'inoperable' was a mistake," *WFTV*, July 1, 2016, *https://www.wftv.com/news/pulse-shooting/city-of-orlando-now-says-calling-door-at-pulse-inoperable-was-a-mistake/369913144/.*



Unpermitted Hallway: Taken in 2015 by the City of Orlando during a routine fire inspection, this photograph (*_DSC1971.JPG*) shows the metal beaded curtains and a hallway that was constructed without permits. The Pomas were never cited for the obvious unpermitted work done to the nightclub, nor the life safety violation constituted by the metal beaded curtains and other curtains hanging over doors/doorways. The photos from the 2015 inspection were not released by the City of Orlando with other records on PULSE published on its PULSE Tragedy Public Records website. We accessed these only though public records requests.

It is worth noting that the beaded curtains were such a prominent feature that they were removed from the building by **Pamela Schwartz** and the **Orange County Regional History Center** to be stored for future exhibition.[136] If the OPD was uncertain about the number of beaded curtains at PULSE, investigators could also just have walked down the street to the History Center and confirmed that there were two beaded curtains in its archive catalogue.

In addition to the two beaded curtains, PULSE also had black curtains draped over doorways that impeded the escape of survivors. One of such curtains was photographed by the City of Orlando during a routine fire inspection in 2015—the same inspection that photographed the beaded metal curtains.

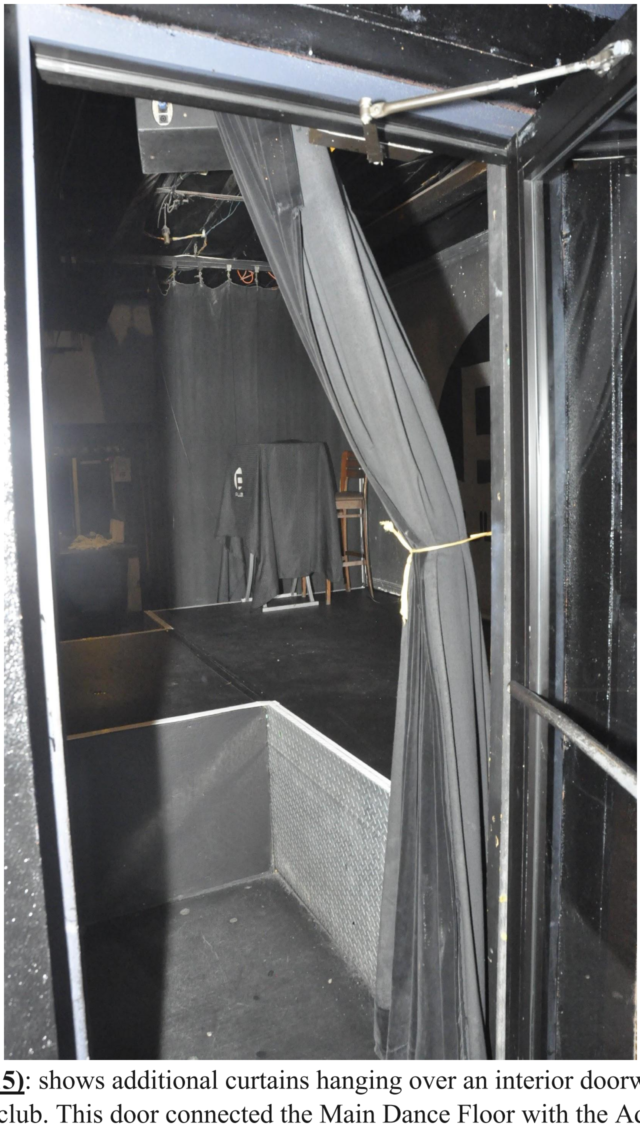


Image DSC1974.JPG (2015): shows additional curtains hanging over an interior doorway with the intent to conceal passageways within the nightclub. This door connected the Main Dance Floor with the Adonis Room inside of PULSE.

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[136] See list of items removed by Schwartz from PULSE as part of Orange County's investigation into **Schwartz, who was accused by her own employees of secretly removing a bullet from the crime scene**. See Orange County public record request #115825.

We know these curtains also impeded escape, in addition to the metal beaded curtains, because survivors stated this fact in the immediate aftermath of the shooting. These accounts were even documented by national television news outlets in 2016 when journalists asked survivors how they escaped the building.

For example, PULSE survivor, **Janiel Gonzalez, stated he did not know where the "proper exits were"** and said:

> *In a moment of desperation, we are all crawling on the floor and trying to find a place to exit. And, I looked to my right and I see that a lot of people are going through some curtains. So, we started digging through the curtains and we finally see a door and we try to, like, actually leave the door. Exit the door. Um, as we are getting out of the door, there's a very like narrow, narrow passage and this may have been like this thick [puts hands near his waist to show it was barely the width of his body]... and there's probably like 50 people trying to, like, jump over each other and just, like, exit the place…*

In another interview Gonzalez did with *ABC News* on the same day as the shooting, he mentioned how people were "trampled" trying to escape"[137] and even lost his shoes in the chaos.

This chaos was echoed by survivor, **Jeanette McCoy**, when she told *ABC News* that "we are falling on the ground and everyone was just trampling over each other."[138] These are eyewitness accounts of what happened inside PULSE at the time of the shooting and do not reflect official descriptions of a business with adequate egress and twice as many exits.

The public records we've obtained reveal that the City's repeated allowances for the Pomas to violate building and safety codes at PULSE — along with the consistent oversights by City inspectors — were likely the result of both deliberate actions and sheer incompetence.

To date, we have seen no evidence of law enforcement interviewing City inspectors. When requested through the City's public records portal, the City of Orlando did not release the interviews that OPD claimed to have conducted with the following City employees: (1) Timothy Johnson, (2) Lilian Scott-Payne, (3) Charles Howard, and (4) Scott Smith.[139] The City claimed to have only recorded the interviews that OPD investigators conducted with PULSE survivors and victims' families.

Given the City's pattern of failing to properly document violations at PULSE, especially through warranted citations, the failure of OFD inspectors to cite the beaded curtains as a fire (life safety) code violation is not surprising. The City's failure to document does not disprove the existence of the beaded curtains or any other violation, nor does it disprove the fact that there were life safety violations that were experienced, photographed, and even recorded on surveillance footage that has yet to be released to the public.[140]

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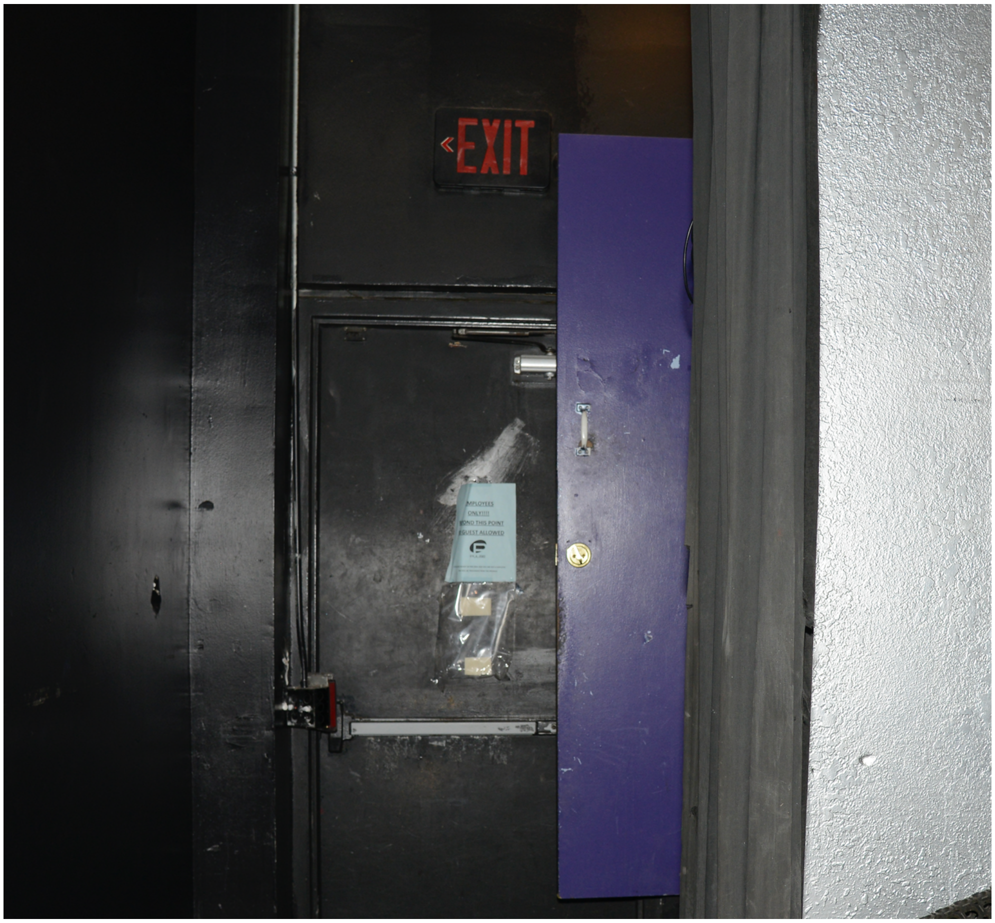
[137] "Orlando Nightclub Shooting, Eyewitness Describes Chaos," *ABC News*, June 12, 2016, https://www.youtube.com/watch?v=W71_E96aKA4.

[138] "Nightclub Massacre: Eyewitness Recount Horror of the Shooting," *ABC News*, June 13, 2016, https://abcnews.go.com/GMA/video/nightclub-massacre-eyewitness-recount-horror-shooting-39807678; also interview with CNN, https://fb.watch/xXVZ0tUdKQ/.

[139] A number of other City employees were involved in compliance and code enforcement at PULSE, including Dean Grandin, Jason Burton, Bernard Cote, Timothy Johnson, and Tammy Hughes.

The OPD's 2024 response—that there were "no instances of OFD citing PULSE for having beaded curtains" is irrelevant. The absence of a citation is not evidence of the absence of a violation. The City's failure to document and issue citations is already an established pattern when it comes to PULSE, specifically. The beaded curtains existed and their role has been well documented. Citing the City's own negligence to discredit our allegations is not a rebuttal. It is a confession.



A Dead-End Exit: OPD Photo _SRM0203.JPG shows one of PULSE's "exits" that led into the enclosed "service alleyway" on the north side of the building. Curtains enclosing one side of the stage would have blocked the view of this exit for anyone on the east side of the Adonis Room. A purple door that PULSE's 2010 building plans show was supposed to swing inwards was left open and shows the door opens outwards towards the exit door. This is also depicted in another photo taken by the OPD, _SRM0204.JPG. While there is an exit sign on top of the door, there is also a sign created by PULSE that reads, "EMPLOYEES ONLY. BEYOND THIS POINT NO GUEST ALLOWED." The service alley was fully enclosed by PULSE's unpermitted fence and wooden lattice attached to the eaves of the roof. This makeshift enclosure made it difficult for survivors to determine if they made it outside the club or were still inside.

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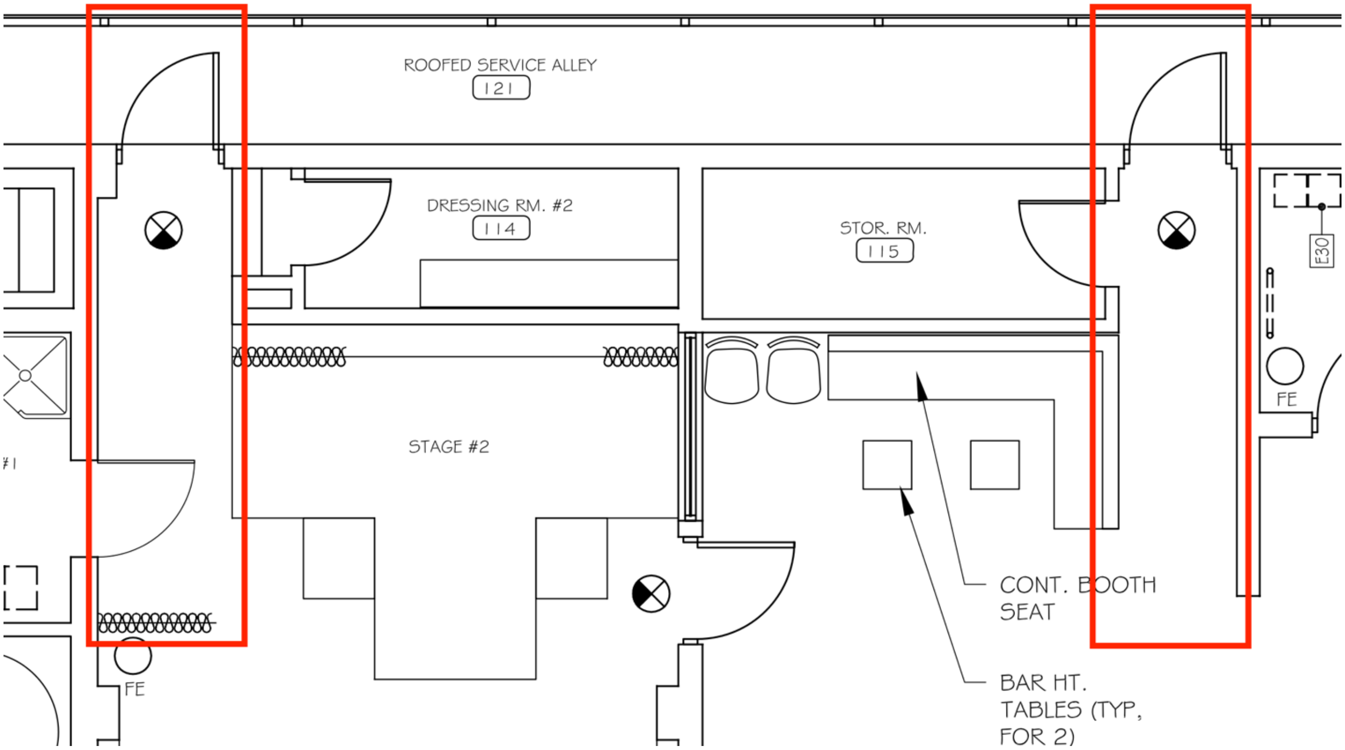
[140] *Florida Fire Prevention Code*, 5th Edition, (2014), 14.4.2.1.

Narrow Corridors Constructed without Permits Hindered Escape

In addition to the unpermitted fence that survivors had to jump over, kick in, and knock down to escape; the immovable beverage refrigerator in the storage room behind the bar that blocked an exit door to the outside patio; blocked exits and locked doors that were easily confused for exits; the main entrance/exit being concealed from the club's interior by the fire code violation that was the beaded curtains; and other curtains blocking the view of exits, there were multiple other ways that code violations and unpermitted renovations obstructed egress and hindered escape.

Among them were unpermitted walls that unnecessarily created narrowed hallways around two of the nightclub's designated "exits." These narrow, unapproved corridors restricted movement, forcing panicked crowds into tight spaces before they could reach safety outside the nightclub property. Narrow hallways were also a building feature that First Responders remarked upon when recounting their experiences inside PULSE.

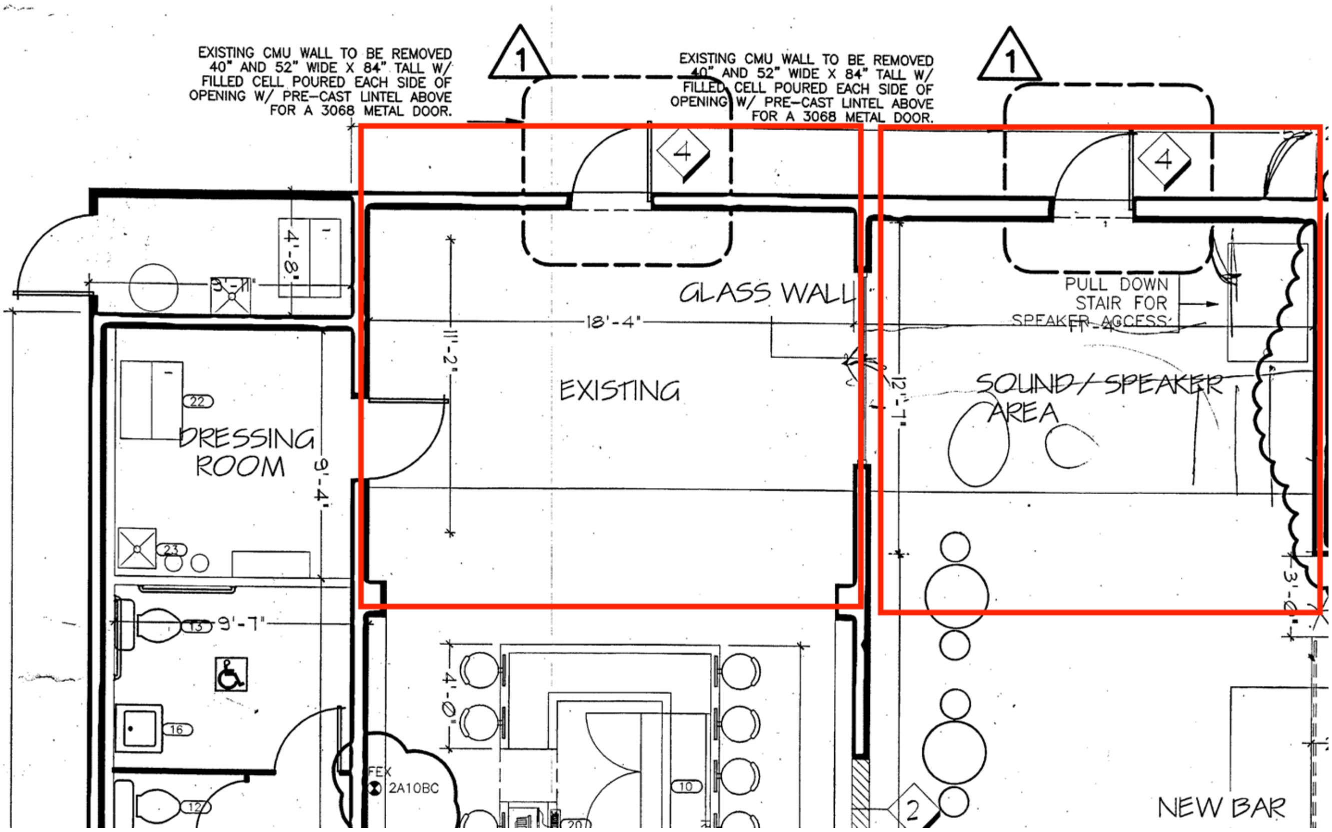
Two of these illegally narrowed hallways are depicted in the nightclub's 2010 unpermitted floor plans, as shown below:



Portion of the Last Building Plans the City of Orlando had on Record: These were an attachment sitting in Timothy Johnson's inbox from an email dated May 20, 2010. It depicts two of the north "exits," as well as unpermitted walls built around those exits that, together with furniture, curtains, and entirely new unpermitted storage closets. Again, these narrow passageways around these exits were built without permits.

For historical context, below is what PULSE's last *permitted* floor plans on file depicted. This is the floorplan last submitted to the City of Orlando and recorded by the Permitting Services Division. It is also the same floor plan Fire Marshal Tammy Hughes and OFD had on record referenced on the morning of June 12, 2016.

These building plans bear little resemblance to the actual building. They show open interior spaces surrounding each exit where none existed, and omit entirely the fully enclosed, fenced-in service alley waiting on the other side—the feature that turned every one of these exits into a trap.


EXISTING CMU WALL TO BE REMOVED 40" AND 52" WIDE X 84" TALL W/ FILLED CELL POURED EACH SIDE OF OPENING W/ PRE-CAST LINTEL ABOVE FOR A 3068 METAL DOOR.
1
EXISTING CMU WALL TO BE REMOVED 40" AND 52" WIDE X 84" TALL W/ FILLED CELL POURED EACH SIDE OF OPENING W/ PRE-CAST LINTEL ABOVE FOR A 3068 METAL DOOR.
1
4
4
4'-8"
3'-11"
GLASS WALL
18'-4"
PULL DOWN STAIR FOR SPEAKER ACCESS
11'-2"
22
DRESSING ROOM
9'-4"
EXISTING
12'-7"
SOUND / SPEAKER AREA
23
9'-7"
13
3'-0"
4'-0"
16
FEX 2A10BC
10
12
20
2
NEW BAR

How PULSE's North Egress Routes Were Permitted: This shows the northwest portion of the PULSE building, taken from the last round of building plans submitted to the City, revised on May 24, 2004, as part of the permit process for building permit BLD2003-0824. These building plans show zero obstructions to the north exits and no fence or service alley. This is how the building and these north exits should have looked on June 12, 2016.

In addition to the witness accounts of **Josean Garcia** and **Janiel Gonzalez,** which we have already provided, another key witness account came from survivor **Demetrice Naulings**, who lost touch with his best friend, **Eddie Justice**, while trying to escape out these exits and through these unpermitted narrow passageways.

He told CBS News:

> *The hallway where we were trying to enter ... to get out, to get freedom, is only the size of where you and me are—and the length and width of it. So, you can only imagine 95 people trying to get in this small area as the width of me and you. With that going on and trying to enter out of the door, I think that's where me and my friend lost touch at. As I'm going through that door, gun shots and the lights on in that hallway are different from the club. So, I don't know if someone hit the switch… it's dark...he wasn't behind me. As I'm looking behind me a still moving a girl gets shot right behind me and she falls on the floor and people tramps over her like she's nothing because they are so in a panic attack. And we are at a standstill at this time because it's dark and the gate is black and you can't really see where the latch is to open it. Shots are still being fired. People are running out screaming and bleeding.*[141]

Eddie Justice was shot and killed trying to escape with Demetrice Naulings out these unpermitted, narrow passageways. Demetrice also saw at least one other female victim get shot trying to escape out the same way, as panicked nightclub patrons crowded into these narrow spaces.

CBS Evening News

Demetrice Naulings on CBS Evening News: Describes crowded conditions at PULSE at the time of the mass shooting and how narrow hallways hindered his escape and the escape of his best friend, Eddie Justice, who was killed. Records show that these corridors were constructed around two of PULSE's designated "exits" without permits.

Another harrowing eyewitness account that the City of Orlando has ignored was that of **Luis Capo**, who was forced to hold a door shut to save the lives of dozens of people trapped with him in the narrow "service alley" that was created by the Pomas' through unpermitted work. In addition to filling up with people desperate to escape the shooting, the service alley was also filled with garbage cans and other storage items, despite being a designated egress route.

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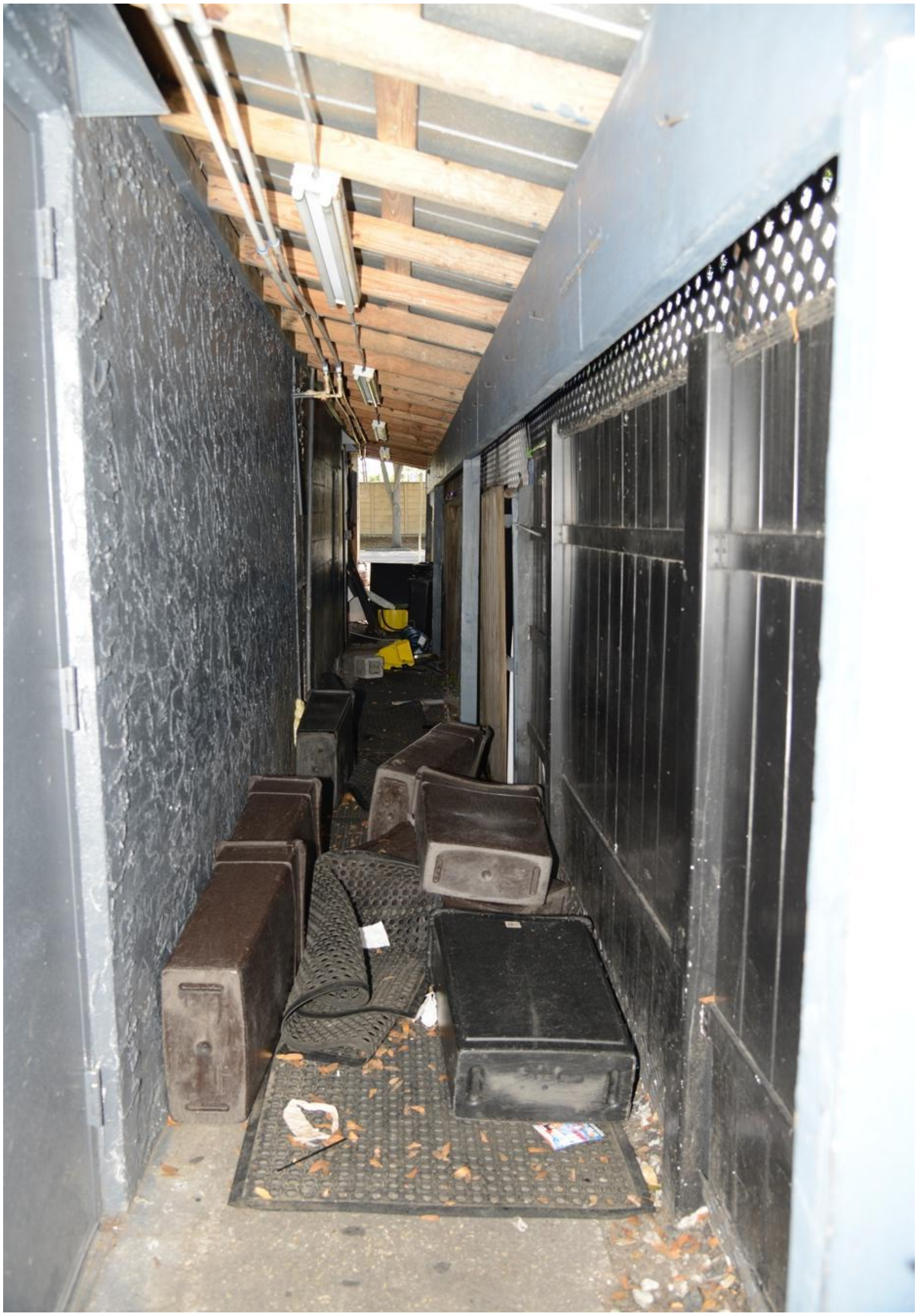
[141] *CBS Evening News*, June 14, 2016, https://www.youtube.com/watch?v=SEV4pgksLDs.



Cluttered Egress: The unpermitted, fenced-in service alley on the North side of the PULSE building was a designated egress route, but instead of being clear for egress it was used to store cleaning equipment, appliances, and trash cans. It was also completely enclosed by the unpermitted fence, wooden lattice, and plywood that appear cobbled-together to form the makeshift enclosure. This is documented both through photographs and first-hand experiences from survivors.

In interviews with *Fox News* and *ABC News*, Luis Burbano recounted his harrowing escape from PULSE while attempting to save others who, like him, were trapped in the nightclub's narrow, unpermitted, and fully enclosed service alley. Corroborated by surveillance footage reviewed by OPD's Det. Chris Haas, Luis stated that he and around 20 people tried to escape through the employee service alley. "Crammed" in this fenced-in area, unable to get out and trying to escape through a hole in the fence, Luis and another survivor held a door shut.

After describing the unpermitted service alley as a narrow "crest" or "crevice" and that he could not tell where the gunfire was coming from, Luis told *ABC News*:

> *As soon as we got that 10-second break... We went to this alleyway which led for only employees and … me and this random guy tried blocking the door, cause at that point, like I said, the bullets were getting louder and closer so we blocked this door... and we did hear banging, and I pray it wasn't anyone trying to escape, because I would forever feel guilty, but at that point there was about 20 people in front of us crammed in this little alleyway with a big hole in one of the fences and just trying to topple over, just trying to … escape, just run.*[142]

In a separate interview with *Fox News* channel's Megyn Kelly, Luis was asked if he was concerned his attempt to hold the door would have prevented people fleeing from getting out.[143]

> *That was on my mind, there was banging, there was pushing of the door, that was on my mind," said Burbano. "But at that point in time, I just tried doing what I thought would be best at that moment, because it was getting louder and getting closer.*

When Kelly asked if he was concerned about getting trampled, he said he "didn't care about getting trampled" and that he "wanted everyone to get out." He continued to state:

> *My goal was making sure my best friend and these people had space cause panic and chaos was not allowing everyone to get through there, so I pulled in that door… It was only about 10 seconds, fifteen seconds it seemed like. I felt like that was enough time … and people make their way through and then there was a gaping hole in the fence that someone busted through and people figured out another route.*

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[142] "Orlando Nightclub Eyewitness Describes Surviving the Shooting," *ABC News*, June 12, 2016, https://www.youtube.com/watch?v=X75iFs10g8A.

[143] "Orlando Shooting Witness Explains Why He Held Club's Door Shut During Escape," Russ Read, The Stream, June 14, 2016, https://stream.org/orlando-shooting-witness-explains-held-clubs-door-shut-escape/.

ORLANDO
9:15 PM ET
Chelsea P
Flatiron Bui
FOX NEWS
© Fox News
ORLANDO ATTACK SURVIVOR SHARES HARROWING STORY
BREAKING TONIGHT

Survivor Luis Burbano on Megyn Kelly: PULSE survivor Luis Burbano told Megyn Kelly he was trapped in PULSE's narrow, (unpermitted), fenced-in service alley with roughly 20 others, unable to escape. To protect them, he held a door shut — potentially blocking others behind him from getting out. This was a direct consequence of obstructed egress. An unpermitted fence and compounding code violations funneled dozens of people into a space with no way out. They escaped only after PULSE employee Neal Whittleton "drop kicked" a hole through the fence where a gate would not open.

In another interview with the *Associated Press*, Luis tells the same story and stated, "At that point, the gunshots started getting louder and closer as if (the shooter) was getting closer." He closed the door and held it shut with another clubgoer for about 10-15 seconds to let the people stuck in the service alleyway clear out. He went on and stated:

> *There was like 20, 25 people just toppled on top of each other, trying to get out of this doorframe. Probably, were literally just stuck in there. I can't even describe what we were seeing, what looked like people just ready to force themselves through, but they couldn't. And at that point the gunshots started getting louder and closer… so me and this first kid, I said, "we got to close that door, we gotta close that door right now because these people here are trapped and they need time to wiggle out to do something. People wiggled through [the hole in the fence], people made it out, people hopped the fence, people went through the hole… that's how I got out.*[144]

After these interviews, Luis Burbano—who heroically did what he could to save lives—was unfairly villainized by the public.[145] This severe and unjust public scrutiny led to overwhelming survivor's guilt that caused him to "regret" surviving.[146] Meanwhile, those who engineered these conditions and obstructions to egress have evaded accountability altogether, while profiting millions from the tragedy they made possible.

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[144] "Only on AP, PULSE clubber feels guilt for surviving," *Associated Press*, November 16, 2016, https://www.youtube.com/watch?v=iCM2q9YO2lQ; also reported by *Fox 9*, "Club shooting survivor feels guilt for getting out alive," June 13, 2016, https://www.fox9.com/news/club-shooting-survivor-feels-guilt-for-getting-out-alive.

Barbara Poma and Rosario Poma—the business owners responsible for the code violations and unpermitted modifications that created hazardous conditions—immediately hired a PR agent (Sara Brady) after the shooting and positioned themselves to profit off the shooting. An expert-crafted, fictional narrative developed where Barbara Poma feigned victimhood on national television[147] and falsely presented themselves as exceptional business owners who tragically "lost" their "safe space."[148] Barbara Poma later publicly admitted she was on vacation in Cancún, Mexico, enjoying a "mother-daughter trip," when the shooting occurred.[149] Three Mexican nationals were killed inside her unpermitted nightclub that night.[150]

Despite this public positioning, Poma was far from a victim—geographically and personally. Former employees have stated that she did not personally know any of the 49 victims. This includes her employee, Kimberly "KJ" Morris, who was killed after only working at PULSE for two weeks and who Poma said was a "good fit for our family."[151] It became commonplace for people, including public officials, to feign a close relationship with the 49 PULSE victims—and Barbara Poma was no exception. Over the years, Poma falsely alluded to being close with the entire victim base, which allowed her to lead the onePULSE Foundation and ultimately profit off the massacre.[152]

By concealing their own negligence, the Pomas and the City of Orlando allowed Luis Burbano's villainization to continue, inflicting more harm on this brave survivor who acted heroically, while being forced to make an impossible choice in a trap they built. This is what institutional revictimization looks like in practice: people in power protecting their own interests at the direct expense of survivors.

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[145] "Investigate Potentially Criminal Charges for Exit Blocker, Luis Burbano," petition on Change.org, https://www.change.org/p/a-call-for-an-investigation-into-criminal-charges-pulse-exit-blocker-luis-burbano; Also see, "Only on AP, PULSE clubber feels guilt for surviving," *Associated Press*, November 16, 2016, https://www.youtube.com/watch?v=iCM2q9YO2lQ and "'He Shouted Stay Inside' Dramatic moment man admits trapping Orlando victims with ISIS killer as survivor says 'I thought he was an accomplice,'" *The Sun*, June 15, 2016, https://www.thesun.co.uk/news/1286287/dramatic-moment-man-admits-trapping-orlando-victims-with-isis-gunman-as-survivor-says-he-thought-they-were-working-together/.

[146] "Here's Why This Orlando Survivor Says He Regrets Making it Out Alive," *BET*, Evelyn Diaz, June 16, 2016, https://www.bet.com/article/jpyqwh/this-orlando-survivor-says-he-regrets-making-it-out-alive; "'I regret that second chance at life:' Orlando shooting survivor says he is suffering crippling guilt after escaping from the PULSE nightclub," *Daily Mail*, June 13, 2016, https://www.dailymail.co.uk/news/article-3640114/Club-shooting-survivor-feels-guilt-getting-alive.html/.

[147] "Orlando nightclub owner describes moment she heard about massacre," *TODAY*, June 14, 2016, https://www.today.com/news/orlando-nightclub-owner-describes-moment-she-heard-about-massacre-t98136.

[148] "Owner hopes to show 'PULSE is alive' with street party," Mike Schneider (Associated Press), *Seattle Times*, June 24, 2016, https://www.seattletimes.com/nation-world/owner-hopes-to-show-pulse-is-alive-with-street-party/.

[149] "Barbara Poma, owner of PULSE, arises from the ashes, with 49 angels," Rob Watson, *Los Angeles Blade*, February 10, 2022, https://www.losangelesblade.com/2022/02/10/barbara-poma-owner-of-pulse-arises-from-the-ashes-with-49-angels/.

[150] "Three Mexicans killed in Orlando shooting, Mexican president says," *Reuters*, June 13, 2016, https://www.reuters.com/article/florida-shooting-mexicans-idINKCN0YZ295/.

[151] "Kimberly Morris remembered: "She was a good fit for our family," PULSE owner says," Tony Fay, *WWLP*, June 14, 2016, https://www.wwlp.com/news/kimberly-morris-remembered-she-was-a-good-fit-for-our-family-pulse-owner-says/.

[152] "PULSE owner Barbara Poma focuses on memorial, healing," Kate Santich, *Orlando Sentinel* (*Associated Press*), June 23, 2019, https://apnews.com/general-news-bb9434350e6f44fc888926e723f3ec57.

In addition to Luis's heroic efforts to try to give trapped survivors time to escape, the only reason why the people trapped in PULSE's service alley were able to escape was because (as was alluded to earlier) PULSE employee, **Neal Whittleton**, "drop kicked" a hole in the fence. **This was observed by multiple survivors who were trapped in the alley with him, including Luis.**

This was also confirmed by OPD's Det. Chris Haas, who reviewed PULSE's surveillance footage and documented what the CCTV cameras recorded. In the OPD's Supplemental Report, Haas stated that:

> *Surveillance footage from inside the club showed patrons exiting… into the fenced-in hallway on the north side. Footage shows how one of the PULSE security employees, believed to be Neal Whitleton [sic], was able to kick a hole in the fence allowing approximately 20 patrons to escape into the parking lot of the neighboring business to the north, Pro Tint and Detailing (1900 S. Orange Avenue).*

However, Whittleton told *WESH 2* a different story when they interviewed him after the shooting, which was reported despite the substantial evidence that contradicts his version of events. He told *WESH 2*:

> *I bring them [fleeing patrons] out the back, which is only for employees… when you go out the back there, there is a gate. In the back here. Now, we do not keep that door locked. We don't keep it locked. It's never locked. There's a lock there. There's a latch. All you have to do is push it and the door opens. So, all I did was pop, pop it open. Everyone else followed me.*

Claiming that he simply "popped" the gate open, rather than kicked a hole in the fence as recorded by the nightclub's own security footage, would not have been the only instance that Whittleton embellished the truth in ways that cannot be corroborated. When interviewed by the *Today* show, Whittleton said, "they told me I got 100-something people out."[153] The number was closer to 20.

Whittleton, a military veteran and former law enforcement officer in Oklahoma, **was employed by the Pomas for two years prior to the shooting and was in charge of security inside PULSE** (although he was not armed).[154] **Other former employees of PULSE have stated that he may have even been employed privately as Barbara Poma's personal bodyguard for certain events**. Regardless, the falsehood that Whittleton told *WESH 2* was undoubtedly an attempt to protect Poma from public scrutiny as the experiences of trapped survivors and PULSE's code violations circulated locally, nationally, and globally.

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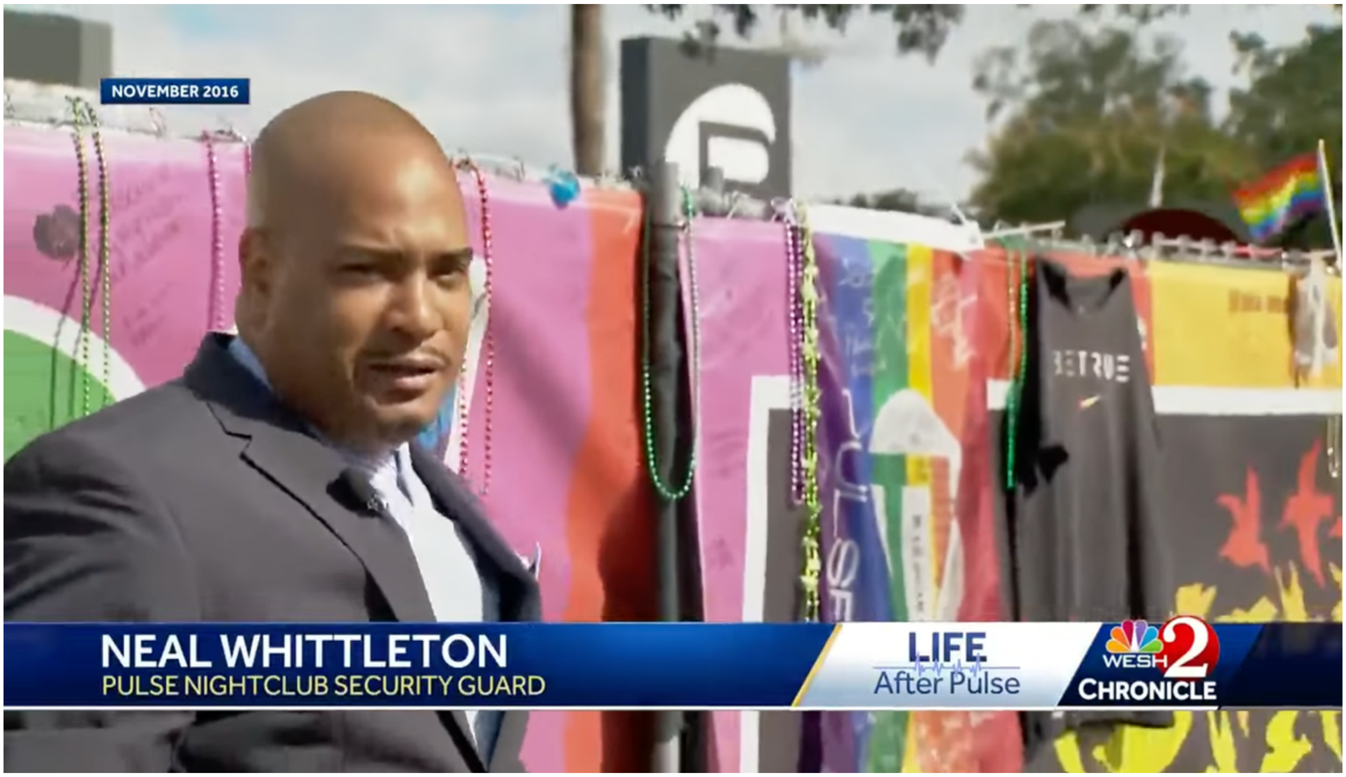
[153] "Survivor Stories: PULSE shooting survivor Leo Melendez on challenges of recovery," Scott Stump, *Today*, September 27, 2018, https://www.today.com/news/survivor-stories-pulse-shooting-survivor-leo-melendez-challenges-recovery-t136924.

[154] "PULSE security guard reflects on tragedy: 'A lot of survivors need help,'" Jason Guy, *WESH 2*, June 12, 2020, https://www.wesh.com/article/pulse-security-guard-reflects-on-tragedy-a-lot-of-survivors-need-help/32852280; it's worth noting that Whittleton also praised the police response in this interview and stated he tried to "pull people off the fence" as they were trying to escape; Also see, PULSE: Orlando Strong, *WESH 2*, December 12, 2016, https://www.wesh.com/article/pulse-orlando-strong/8491375.



Neal Whittleton on WESH 2: An employee of Barbara Poma, Whittleton falsely claimed that all he had to do to rescue the people trapped in PULSE's unpermitted service alley was unlatch the gate and that it was not locked. However, eyewitness accounts and surveillance footage show he had to "drop kick" the fence so trapped victims could escape.

Public records show that PULSE received multiple written warnings to keep the gates in the unpermitted fence unlocked "at all times," which Whittleton should have been aware of as an employee. These included a written remark, "Keep rear plastic gate unlocked" on January 6, 2014, by OFD Inspector Davis Odell.[155]

However, at the time of the shooting the gate could not be opened in an emergency. While we do not know if the gate in the unpermitted fence was locked or latched, this is a moot point and the distinction is meaningless. What matters is that **the unpermitted fence trapped victims inside this narrow service alley, egress was obstructed, and this set off a chain reaction of events as victims/survivors tried to flee for their lives—causing further injury and death**.[156]

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[155] Exit checks conduced on January 6, 2014, February 11, 2012, and September 26, 2008, all show issues with gates/exits at PULSE being kept locked, with written warnings to keep them unlocked.

[156] An example of injury would be the woman who Burbano saw get shot as they were trapped in this narrow service alley; an example of death includes the victims who could not escape, such as Jean Carlos Mendez Perez—who was murdered in the unpermitted, fenced-in patio.

Crime scene photos taken by the City of Orlando show that the fence gates did not have emergency exit hardware but rather had multiple latches/locks—one at the top and one at the bottom; both painted black, the same color as the fence. This evidence was highlighted by reporting done by WESH 2 News.[157]

Further complicating this specific instance of the survivors trapped in the nightclub's unpermitted and fully enclosed north service alley, is that another retired veteran and employee of the Pomas claimed to have done the exact same thing that Neal Whittleton claimed to have done.

Imran Yousef, who was also employed by the Pomas as a bouncer at PULSE that night, told *CBS News* that the shooter must have entered the building as he was approaching the back "staff" alleyway.

A former U.S. Marine who was deployed to Afghanistan, **Yousuf told almost the identical story as Whittleton, however, there is no supporting evidence to corroborate his story either.**

> *Then I saw people start pouring into the back staff hallway. And they just sardine-packed everyone. I'm just screaming, "Open the door! Open the door! And no one was moving, [because] you know, they're scared. And there was only one choice, either we stay there and we all die or I could either take the chance to get shot and save everyone else. And I jumped over, opened that latch, and we got everyone we can out of there… probably over 60, 70. As soon as people found out that door was open, they kept just pouring out.*[158]

Yousuf was newly employed by Poma, claimed that he was the one who unlatched the gate, and received quite a bit of attention in the media for being a hero.[159] **But there is no evidence – either via surveillance cameras or eyewitness accounts – of both him and Whittleton unlatching the gate for people to escape.** We only know of surveillance footage and first-hand accounts of Whittleton kicking in the fence and breaking it open for people to escape.

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[157] "Survivors want answers about conditions, alleged code violations at PULSE," Michelle Imperato, WESH 2, June 14, 2024, https://www.wesh.com/article/code-violations-life-after-pulse/61086854. Also see, OPD crime scene photo _SRM0041.JPG. City of Orlando.

[158] "PULSE bouncer sprain into action to save lives," CBS Evening News, June 13, 2016, https://www.youtube.com/watch?v=GnYUxVAbAiQ; also see, https://www.cbsnews.com/news/war-veteran-imran-yousef-saves-dozens-during-orlando-nightclub-shooting-omar-mateen/.

[159] "Veteran Named Honorary Grand Marshal at Houston Pride After Reportedly Saving Dozens," Naja Rayne, *People Magazine*, September 9, 2022, https://people.com/crime/pulse-bouncer-and-veteran-named-honorary-grand-marshal-at-houston-pride/; also see, "Marine vet's quick actions saved dozens of lives during Orlando nightclub shooting," Jeff Schogol, *Marine Corps Times*, June 14, 2016, https://www.marinecorpstimes.com/news/your-marine-corps/2016/06/14/marine-vet-s-quick-actions-saved-dozens-of-lives-during-orlando-nightclub-shooting/.

Imran Yousuf on *CBS Evening News*: Telling the same story of heroism that another bouncer (Neal Whittleton) told. Yousuf claimed that he also unlatched a gate allowing dozens of trapped patrons to escape out the nightclub's unpermitted staff service alley.

The point here is not to discern which survivor was the "hero" that got the trapped victims out of PULSE. The point here is that people were trapped, unable to escape, in a narrow alley that was constructed without permits, that was enclosed with an unpermitted fence, which was attached to the eaves by added wood and lattice creating an entirely enclosed area that was inescapable without kicking down a portion of the unpermitted fence. It is also important to note that not everyone escaped through the fence after it was kicked in by Whittleton. Some survivors, frozen in fear, tried to hide behind an ice machine and another Coke-branded beverage cooler that sat at the fenced-in end of this hallway. Some broke through other parts of the fence to escape.

In addition to dozens of people being trapped in this space and the devastating domino effect this unpermitted obstruction of egress had for people still inside the club, the OPD's photographs documented even more code violations inside this unpermitted space. Trash cans and storage items also obstructed egress in the narrow service alley, which was noticed by many survivors who tried desperately to escape through this obstacle course. Again, this is where two of the nightclub's designated "exits" led. These garbage cans and other items limited the space available for fleeing patrons in an area already inadequate for an emergency evacuation.

Two Coke Machines Were Blocking Exits

In addition to the aforementioned obstructions, a Coke-branded beverage refrigerator was positioned in front of what PULSE's last, unpermitted building plans indicate should have been an open escape route and passageway to safety. Instead, this designated pathway to safety was fenced in. Immediately after the shooting, news helicopters circling above PULSE documented the "Coke machine" toppled over on the ground just outside of the northern service alley. Journalists asked: Why was there a "Coke machine" outside of the club?

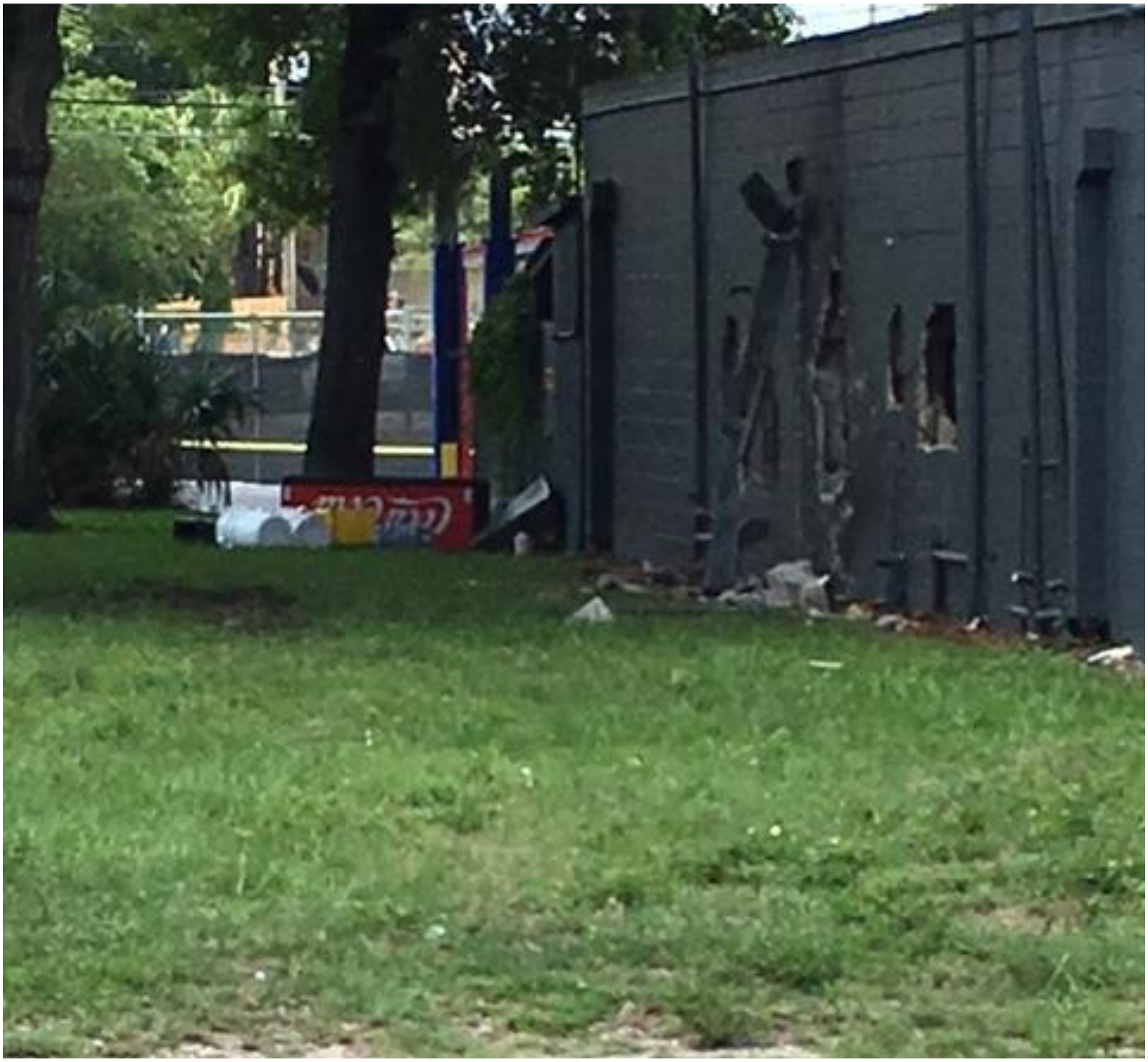

Photo of "Coke machine": Taken by Code Enforcement immediately after the mass shooting. File name: 1_20160612150049840. (*Source: City of Orlando*)[160]

Additional questions about this appliance arose once the City released the text messages sent by **Fire**

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[160] Obtained from the PULSE Tragedy Public Records website. City of Orlando. "PULSE Code Enforcement Records 6-13-16 + images from records in jpeg format. It appears from the file naming conventions that not all photos taken by code enforcement were released to the public, however when pressed (Request 22-7983), the City stated there were no responsive records. The direct link to these images, including Image (above), is here: https://www.orlando.gov/files/sharedassets/public/v/1/initiatives/pulse/20160613codeenforcementphotos.zip/.

Marshal Tammy Hughes on September 1, 2016.[161] In the messages, Hughes stated, "code enforcement is here showed me a picture where the club owner had blocked the exit with a coke machine he has pictures." When asked how many exits were blocked, Hughes stated, "maybe one or two."[162]

In response to these "Coke machine" questions, City officials only referred to the one "Coke machine" that was visible to the public from the outside of the building. They refused to acknowledge the second "Coke machine" that blocked the exit on the inside of PULSE. Photos of the exterior toppled beverage refrigerator was the only photo of a "Coke machine" that the City disclosed to the public and acknowledged, as they made the claim that "no exits were blocked" at PULSE.

When asked specifically about the "Coke machine" and a blocked exit, the Pomas' lawyer Gus Benitez told *WESH 2*, "There is a door to the outside that is not used by anyone, whether they be employees or patrons. That door is in a room behind the bar where patrons are not allowed. That door is not an exit door."[163] Because neither the City nor the Pomas acknowledged the existence of two "Coke machines" blocking egress, *WESH 2* reporter Matt Grant reported that the exterior "Coke machine" did not block an exit door. This was because the door closest to the exterior, toppled "Coke machine" located behind the nightclub was shown to be a storage closet door and not an exit door on PULSE's unpermitted building plans released by the City.

However, City of Orlando photographs taken immediately after the shooting show that no such door to a storage room existed— further demonstrating how the building plans of PULSE that the City distributed to the public failed to accurately reflect the building's true layout due to the Pomas' unpermitted construction and illegal modifications. The City's failure to disclose these facts and its own negligence in enforcing compliance resulted in manufactured confusion as journalists tried to make sense of what they were witnessing using incorrect information distributed by the City.

Updated reporting from *WESH 2* in 2024 identified the second Coke-branded beverage refrigerator that the City kept hidden from the public—blocking the door where **Luis Ocasio Capo** was trapped for 30 minutes, wounded by gunfire, and bleeding out.[164]

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[161] PULSE Tragedy Public Records, City of Orlando, https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/PULSE-Tragedy-Public-Records.

[162] See, "T Hughes Texts 2016-06-11 to 2016-06-13," City of Orlando, *PULSE Tragedy Public Records*, https://www.orlando.gov/files/sharedassets/public/v/1/initiatives/pulse/fire-marshal-t-hughes-texts-2016-06-11-to-06-13-1.pdf.

[163] "Investigation: PULSE door wasn't "blocked" by soda machine," Matt Grant, *WESH 2*, June 29, 2016, https://www.wesh.com/article/investigation-pulse-door-wasnt-blocked-by-soda-machine/3916807.

[164] "Survivors want answers about conditions, alleged code violations at PULSE," Michelle Imperato, *WESH 2*, June 12, 2024, https://www.wesh.com/article/code-violations-life-after-pulse/61086854.

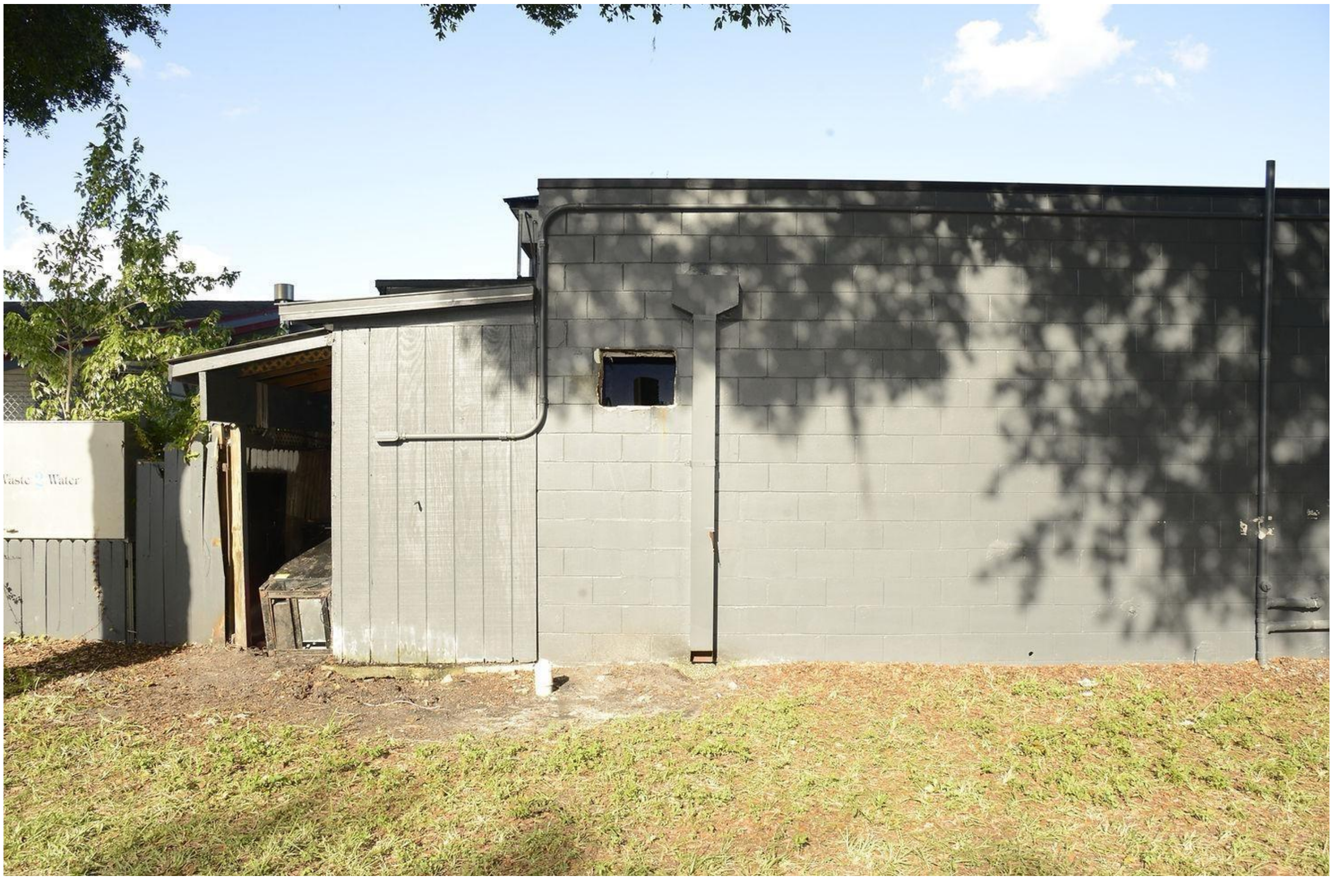

Photo of the West Side of PULSE: showing the "coke machine" lying in front of a portion of fencing that was removed to the nightclub's unpermitted "service alley." The storage room and door did not exist in real life even though it is shown on the nightclub's unpermitted floor plans, which the City of Orlando released to the media without any indication they were unpermitted and did not accurately reflect the actual layout of the PULSE building. There was no door. There was no storage room. Where the door is shown to be on the building plans, there are plywood panels and electrical work that are painted gray, matching the building's exterior. Behind that space was an ice machine.

Again, the lack of clarity stems directly from the City of Orlando's public release of PULSE's inaccurate and unpermitted building plans and its efforts to conceal records of negligence and non-compliance from the public, which included its improper use of Florida public records law (Chapter 119) to hide the facts.

The reliance on these false and misleading plans tainted both media reporting and law enforcement investigations. This is evident in the FDLE's Use of Force Internal Investigation, where officers interviewed after the shooting corrected inaccuracies and drew sections of the building from memory to account for areas missing from the plans they were given by investigators.[165]

Mirroring statements made by the Pomas' lawyer, the City of Orlando has also denied that any exits were blocked—despite Fire Marshal Tammy Hughes' texts, eyewitness statements, and

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[165] See Appendix I.

photographic evidence clearly showing blocked egress routes caused by Coke machines, trash cans, and the unpermitted fence at PULSE. One of the ways the City did this, initially, was through a Q&A document drafted and distributed by the Office of the Mayor in the immediate aftermath of the shooting for City Council members to reference when fielding media questions.[166] This document, which contained falsehoods, was distributed to the City Council on June 28, 2016, nine days after City attorneys began circulating drafts of a permitting timeline outlining known code violations at PULSE.[167]

One of those questions the City asked itself was: "What about the knocked-over Coke machine?"

The City's prepared response stated:

> *We have no indication there were blocked exits at the time of the incident. There is a picture that shows what looks like a Coke machine knocked over near an exterior wall. This picture was taken after the incident, leaving questions to consider like... given the location, it could have been knocked over when OPD breached the wall… at which time victims had already exited the building."*
>
> *The most recent exit check on May 21, 2016, did not indicate there were blocked exits. If a life safety issue is identified during a check, OFD seeks immediate correction or closes the establishment until corrective action is taken.*

The City's careful, lawyer-approved wording in their prepared statement exposes even more dishonesty. Their phrase "if a life safety issue is identified" leaves the door open to the fact that many life safety violations were never identified by City inspectors during exit checks.

When Washington Post journalist Matt Zapotosky pressed the City for clarification about whether a Coke "machine" was blocking an exit, then-Deputy Chief of Staff Heather Fagan instructed Public Information Officer Cassandra Lasfer to respond with:

> *I have forwarded your inquiry to the Fire Department as they oversee the inspections. However, I can tell you we have no indication that any exits were blocked so that would not hinder the ability of the officers.*

The City absolutely had "indications" that exits were blocked—including Tammy Hughes' own text messages, the accounts of its own first responders, and its own photographic evidence taken after the shooting.

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[166] Email from Heather Fagan to City Council Members, including Patty Sheehan, Tony Ortiz, Samuel Ings, Robert Stuart, and Regina Hill. Other City officials, including Frank Billingsley and Byron Brooks was also included. Subject: Re: Public Records from PULSE. Sent on June 20, 2016, at 2:19 PM. Fagan sent another email at 5:19 PM to commissioners, stating, "We have received several questions related to the release of documents today. I have put together an overview of our responses, please feel free to contact me with any questions." The file name of the document is City Records q and a.docx. Source: City of Orlando.

[167] Draft of the City's permitting timeline was sent on June 19, 2016, 7 days after the shooting. See, email from Kyle Shephard to Kyle Shephard, June 19, 2016, 9:51 PM, Subject: Draft, City of Orlando.

Furthermore, the City had the opportunity to gather additional documentation from the planned inspection Hughes was prepared to conduct specifically to document code violations inside of PULSE—an inspection the City conveniently called off because the building was "vacant" and therefore "not required to be inspected."

To this day, the City has refused to disclose who gave the order to cancel the building inspection. The City has also ignored public and direct requests for a full building inspection by an intendent third party prior to it being demolished for the City's memorial. Thus, the City has actively refused to collect evidence, which considering the allegations brought by victims/survivors, appears to be a victims' rights violation. Instead, the City demolished the building on March 18, 2026, with full knowledge that victims/survivors suing the Pomas in civil court for premises liability tried to stop demolition in an effort to preserve evidence for the upcoming trial jury. The City Council was also made aware on October 23, 2023 that victims/survivors continued to challenge the ownership of PULSE in court. The City Council disregarded this and made the decision to purchase the property in order to take control of the public narrative and move forward with its plans to turn the site into a tourist attraction with a visitors center.

In addition to omitting key photographic evidence and making provably false statements, the City's use of technical legal language resulted in public statements that appeared responsive to journalists' questions while leaving out material information and installing wiggle room for interpretation.

Heather Fagan and Kyle Shephard (Chief Assistant City Attorney), who authored this Q&A document according to emails, could have provided factual information—because they had it. The City had access to OPD body camera footage that clearly showed exactly where the "Coke machine" was located and precisely when officers knocked it over and why. **Police footage does not show the appliance getting knocked over when officers breached the wall, as the Office of the Mayor falsely postulated.** Rather it shows officers struggling to maneuver around the refrigerator with their guns trained on the unpermitted service alley while they worked to locate and rescue survivors still trapped in a dressing room near the northwest corner of the building.

Sworn testimonies released by the FDLE document the fact that officers had to move the "coke machine" to gain entry to the nightclub in order to locate and rescue trapped victims.[168] Officer Timothy Stanley stated directly: **"We had to move some uh, there was a Coke machine or something there that we had to haul away to be ready for a team to go in."[169]**

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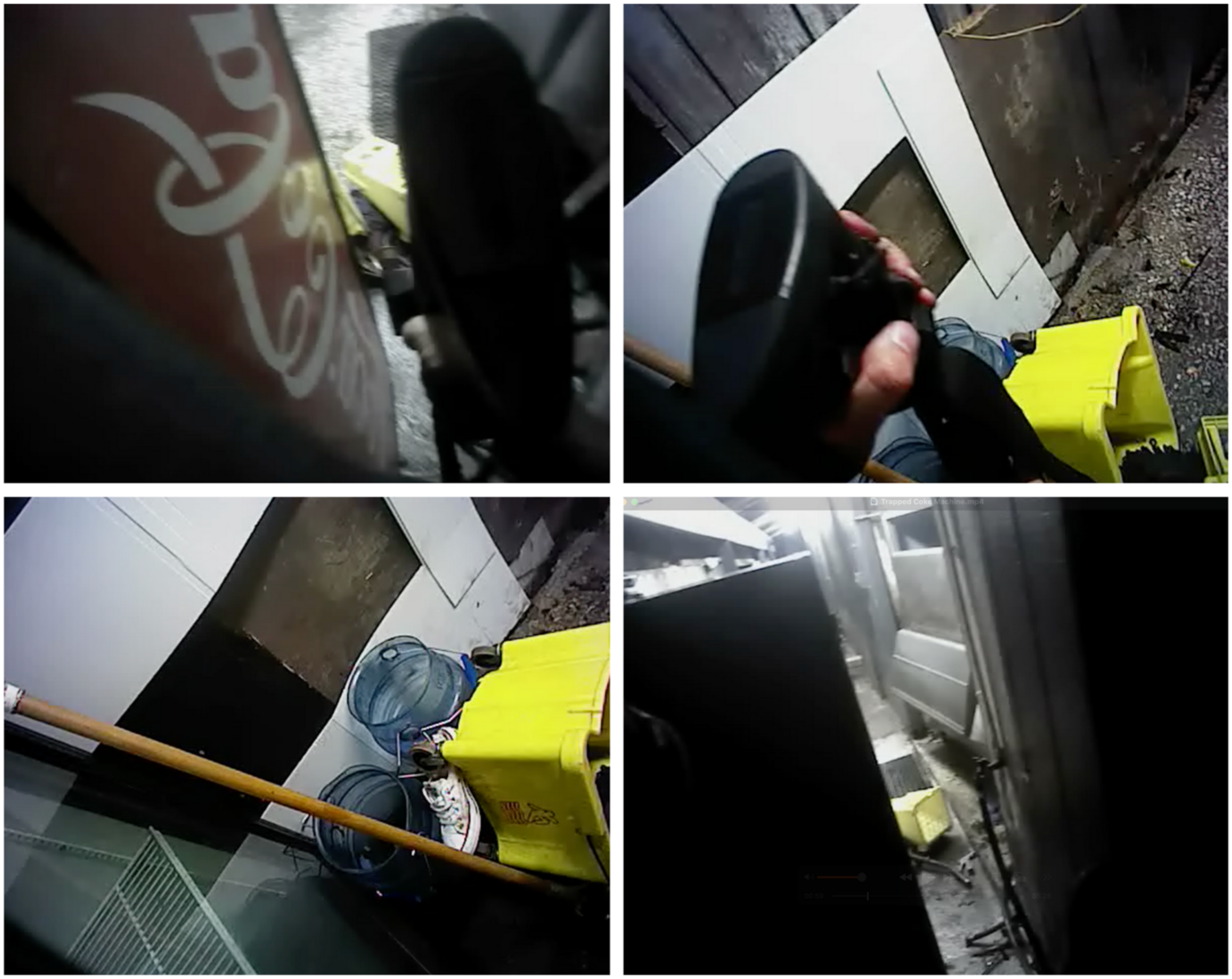
[168] Appendix I.

[169] Transcript documented in FDLE's Internal Use of Force Investigation. See Appendix I. Pg. 7 of Officer Timothy Stanley's interview (the report as a whole was not paginated).



Stills Taken from Orange County Sheriff’s Office’s (OCSO) Officer Frank Tagler's Body Cam Footage: showing that the “Coke machine” and the unpermitted fence blocked what was shown on building plans to be an open pathway for egress. The footage shows officers struggling to get past the Coke machine to get into the alleyway to get to a ringing cell phone. The officers can be heard wondering if someone was trapped inside of the cooler, with one asking, "Is there someone in this thing?” Someone's shoe is stuck between a mop bucket and a water jug. Responding officers, according to the FDLE’s Internal Investigation, had to move it to gain entry to the northwest side of the building where victims were trapped. This footage confirms that there was additional storage items obstructing egress. The OPD, in its 2024 “investigative” report, stated that, “It is impossible to accurately assess the photographs presented as they were taken after the shooting, and the original position of moved items is unknown.” However, this is not true, as this contemporaneous evidence confirms that these items were there during the shooting. PULSE’s building plans show this was supposed to be a passageway to safety. It was not and was fenced in without permits.

It is even documented in body camera footage from responding officer, Frank Tagler, with Orange County Sheriff’s Office (OCSO). The City could have easily confirmed what actually happened by asking their own responding officers and those from the City’s local law enforcement partners.

However, the City does not appear to have pursued comprehensive evidence collection. Instead, and once again, it acted as though factual information was unavailable, despite the evidentiary record eventually released to the public years later. Coupled with issuing fabricated narratives, these public relations efforts stemming from the Office of the Mayor limited transparency regarding both the City's actions and those of the Pomas.

When considered alongside the City's own lawyers documenting unpermitted renovations days after the shooting to prepare for possible criminal or civil litigation, the decision not to conduct a post-incident inspection of PULSE, and cancel an inspection of the building raises serious concerns about whether available opportunities to fully investigate documented issues were pursued, and calls into question the City's defensive "there's nothing to see here" response. Again, this appears to be a victim rights violation. The failure and unwillingness to thoroughly investigate any of these alleged crimes is at the very least a violation of public trust.

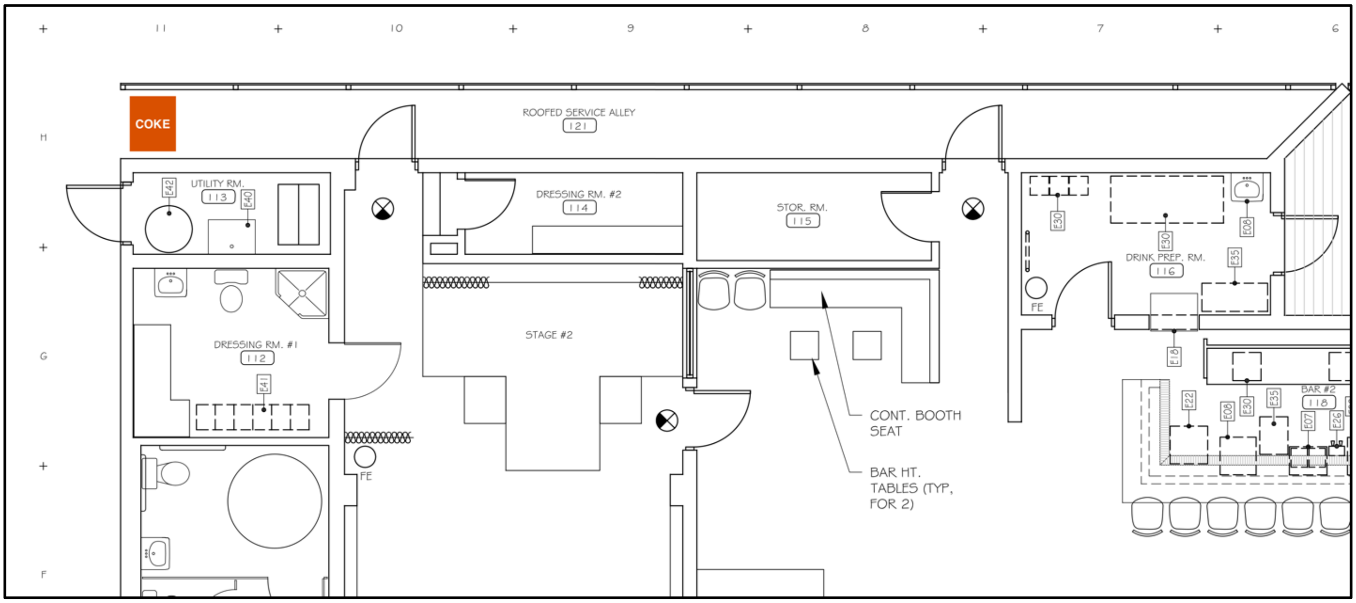
When it came to PULSE, the City never cited the Pomas for any code violations whatsoever. Instead, they made extraordinary exceptions, allowing the Pomas—who operated a restaurant in City Hall—to flagrantly violate documented building, zoning, and life safety codes for years. In doing so, the City of Orlando allowed the Pomas to create the conditions that ultimately turned PULSE into a death trap.

The City's failure to thoroughly document code violations at PULSE in writing is not evidence that those violations did not exist. They certainly did exist, and their own documents prove it.

The documented fact is that *both* "Coke machines" blocked egress, which encompassed patrons' ability to exit the premises and law enforcement's ability to get into the nightclub and determine the precise location of trapped victims. Based on the fact that there were two of these empty, unplugged appliances—and that they were both strategically placed in places where PULSE management did not want people to go, enter, or exit—it is clear that PULSE management used these old refrigerators for the sole purpose of blocking entry/exit, rather than dispose of them. On the night of the shooting, both broken appliances—one in conjunction with PULSE's unpermitted fence that completely sealed off a designated pathway for egress—hindered escape and rescue. The unpermitted service alley—where two designated "exit doors" led—was improperly used as a storage area for the nightclub's unused equipment, trash, and cleaning supplies.

The other "coke machine" was inside the building where multiple wounded victims bled and were unable to move the machine, even though there was an attempt. Despite the Pomas labeling it as not an exit, the machine was in front of a door that led to the outside. Fire Marshal Tammy Hughes also referred to one or two exits being blocked by Coke machines in her text messages. As we previously stated, one of the victims, Luis Capo. bled out so badly there, they could not save him at the hospital.

So, new questions arise: Why would the Office of the Mayor put forth hypothetical scenarios that contradicted documented facts, if not only to mislead the public and its own City Council? Why would the City, from the beginning, adopt the exact same legal stance as the Pomas' lawyer—claiming there were no issues at PULSE? These issues are discussed in greater detail later in this report.



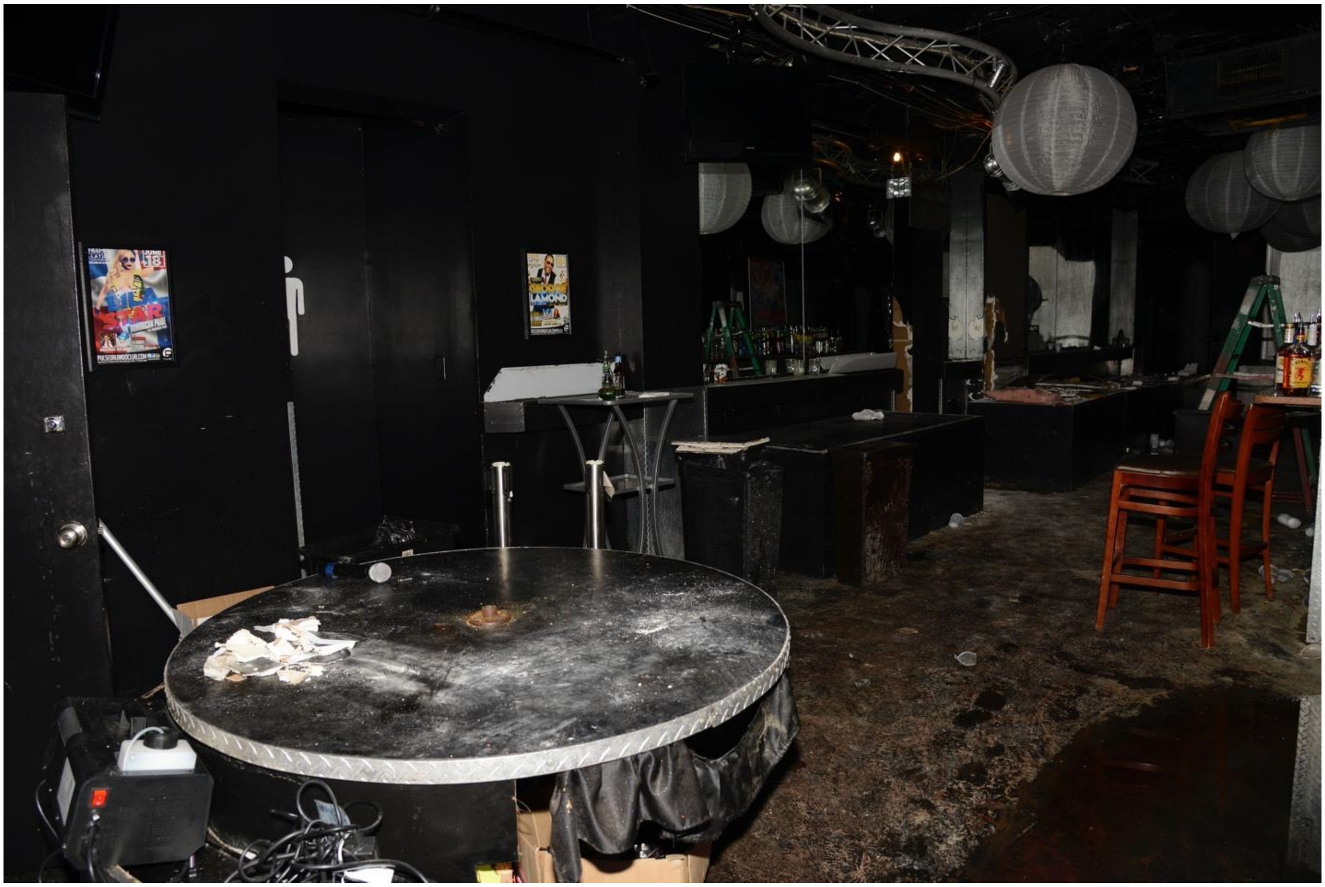
PULSE's May 20, 2010, Building Plans: Showing the unpermitted, roofed, fenced-in service alley on the north side of the building. Marked in red is where one of the "Coke machines" was located. Two exit doors emptied out into this unpermitted space where various other items were stored.

Benitez, the lawyer for the nightclub's owners, was quick to point to the nightclub having what they say were six exits—defined as doors the owners labeled as exits. **However, two of the nightclub's "exit doors" led into an enclosed narrow alleyway that trapped people, and two other exit doors led to the enclosed patio where PULSE's unpermitted fence created another enclosure that trapped victims/survivors**. These four doors, mislabeled as exits, do not match the legal definition of an exit and should have been labeled, "No Exit," had the PULSE owners followed NFPA standards and had OFD enforced compliance with the law.

PULSE's building plans also show that there should have been seven doors to the outside. The shooter came in through the main front entrance/exit, limiting the number of people who could have exited past the shooter and through the nightclub's foyer. This leaves the double doors in the Adonis Room on the building's southwest side, which was also partially obstructed by a stripper stage and other furniture surrounding it that do not appear on PULSE's building plans.

Multiple survivors stated that they ran into the bathrooms because of these perceived obstructions crowding the path to the doorways, which prevented them from running out through those doors. Again, none of the furniture or stripper stages present throughout the Adonis Room are represented on PULSE's 2010 building plans.

It is crucial to emphasize that **comparing the nightclub's legally permitted 2004 floor plans with its illegally altered 2010 unpermitted plans reveals numerous doors were moved, altered, and changed without approval or oversight**. Even Gruler noted how PULSE's front door would slam shut—creating a sound like a gunshot—and a woman banging on the door during the shooting.[170]



Photos of Adonis Room Stripper Stages: OPD Photo _SRM0279.JPG showing the round stripper stage near PULSE's southern double door exit, as well as the other stripper stages and furniture present in the building that are not documented on PULSE's building plans. The City has failed to produce any records showing that any of these furnishings were considered in PULSE's occupancy load calculations.

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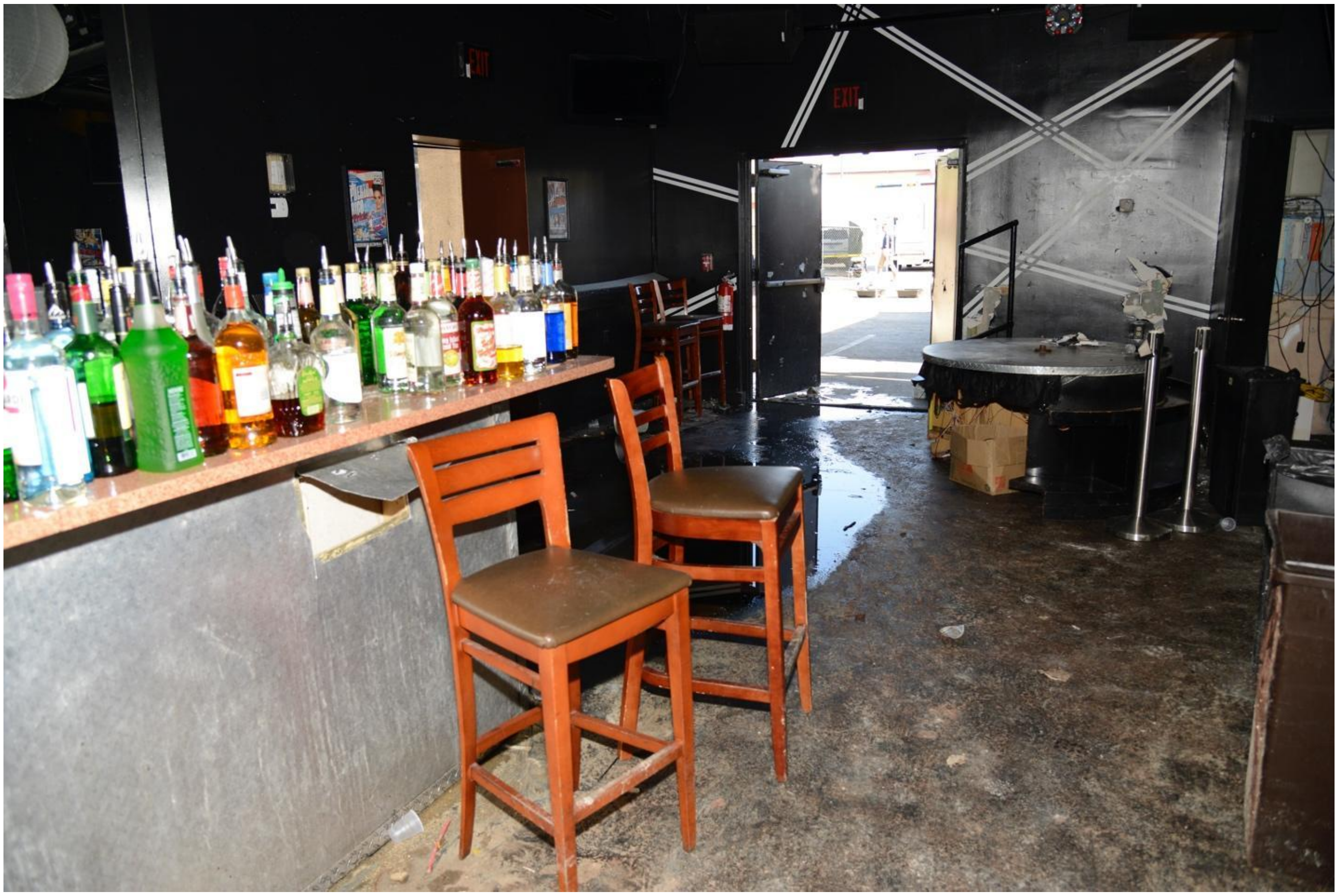
[170] Use of Force Internal Investigation. FDLE.



Pathway to Double Door Exits: Photo _SRM0189.JPG depicts the cramped circulation path leading to the double door exit in the Adonis Room, where furniture and stripper stages created constricted egress routes and altered the visibility and perceived accessibility of the exit route in a crowded environment. A survivor specifically recalled believing the stage obstructed the doorway, influencing his decision not to flee through that exit. None of these features appeared in PULSE's building plans. None of the stripper stages in the Adonis Room are represented on PULSE's building plans, which brings into question if its occupancy load limit was even calculated based on the actual space as it existed. **The windows** shown on the 2010 building plans, which were supposed to be located west of the double doors, **were also walled over**—further evidence of unpermitted modifications that hindered safe egress. (*Source: City of Orlando*).

The well-documented challenges for escaping PULSE, the trampling, entrapment, and even being used as a human shield were all experienced by multiple survivors who lived to tell their stories. Many of these experiences would not have happened if people were able to easily locate exits and quickly flee the building in any emergency. Countless survivors witnessed various obstructions to egress—whether that be caused by obstructed exits, overcrowding, unpermitted narrow passageways, trash cans in egress routes, immovable objects blocking doorways that led to safety, an unpermitted fence, or latched/locked gates that had to be drop-kicked and pushed over in order for people to get out of PULSE.

Those who have defended the Pomas—including their lawyer, Gus Benitez, and the City of Orlando—have crafted a defense that has emphasized PULSE "was in compliance" because it had the minimum two exits, which is supposedly all that was required for the 4,499 square foot building with a 299-occupancy load limit. This defense ignores the fact that four of PULSE's designated exits led to illegally enclosed areas and that the nightclub was over its legal capacity on the night of the shooting.

In the immediate aftermath of the shooting, people were already emailing Mayor Buddy Dyer to say PULSE was unsafe, that exits were inadequate, and that the nightclub had been a "death trap." Kathi Osiek, Mark Baratelli, Michael D. Mundy-Passmore, and Michael A. Segall / Sanchez were among those who put these concerns in writing.

For instance, in an email to Mayor Buddy Dyer from former Law Enforcement Officer Michael Segall just 10 days after the shooting, Segall stated that he lived by PULSE and had been to the club many times. He let Dyer know that PULSE did not have adequate exits.[171] Still, given this information, a post-shooting building code inspection was called off by the City.

Defenders of the City and the Pomas ignore two important facts:

First, those four doors labeled exits were not true exits as illustrated above. They led to fenced-in areas or otherwise obstructed/enclosed areas, causing confusion, inflicting the additional trauma of not being able to escape, and ultimately creating a death trap as survivors held doors shut amidst the panic of being trapped and narrowed pathways funneled people into each other with nowhere to go. **Exits that did not lead directly to safety constituted a hazard in themselves and undeniably played a role in impeding egress.**

As previously stated, this is perhaps best described by the over 20 survivors who were trapped in the "narrow alley" on the north side of the building, which was supposed to be a clear pathway to safety, even according to PULSE's most recent (unpermitted) building plans emailed to the City on May 20, 2010.

This is an undeniable fact, documented in all reporting, building plans, our earlier report *They Knew*, surveillance footage, and survivor accounts. Furthermore, designated exits that did not provide a direct path to safety—and in some cases led to areas enclosed by an unpermitted fence— undeniably contributed to confusion, increased trauma, and impeded egress during the incident.[172]

Occupancy Load and Overcrowding

All available evidence shows that PULSE was over capacity on the night of the shooting and had a pattern of violating its occupancy load limit. Thus, the number of legitimate exit doors required for 304-370 patrons did not exist on June 12, 2016. There is zero evidence that shows PULSE followed its occupancy load limit at the time of the shooting on June 12, 2016.

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[171] Email dated June 22, 2016, to Mayor Buddy Dyer from Michael Segall, who included his phone number (928) 351-7674.

[172] Survivor accounts include those given by Javier Nava, who believed that the unpermitted second level, accessible only by ladder, would have had rooftop access for escape. This unpermitted space did not have a rooftop exit, and he remained trapped, shot, and bleeding for roughly 30 minutes until law enforcement could locate him and 5 others. Luis Burbano held a door shut, preventing escape, while the shooting was still happening in order to save the lives of the roughly 20 people trapped in the narrow alleyway that was enclosed with the illegal, unpermitted fence along with lattice that connected the fence to the awning of the roof forming a complete enclosure. A murdered victim, Jean Carlos Mendez Perez, was murdered on the nightclub's unpermitted patio that was surrounded by the illegal fence.

305 is the number of victims/survivors validated by the FBI who applied for funds through the OneOrlando Fund, as documented by the National Compassion Fund. We know that not all victims/survivors applied for funds, so they are not included in this count. Thus, this number of victims/survivors has been confirmed and validated by the FBI and represents the minimal confirmed baseline of the number of people at the PULSE nightclub on June 12, 2016. This is proof positive that PULSE was over its legal capacity of 299 on the night of the shooting.

The OPD, through their "investigation," concluded that, "the number of occupants inside PULSE on the night of June 12, 2016, is unable to be accurately determined" and "the exact number of patrons inside of PULSE at the time of the shooting is unable to be accurately established." This may be true. However, the **"exact number of patrons**" is not what is needed to prove that PULSE was over its legal capacity on the night of the shooting. We only need documentation that there were more than 299 people in the club to determine that it was over its legal limit.

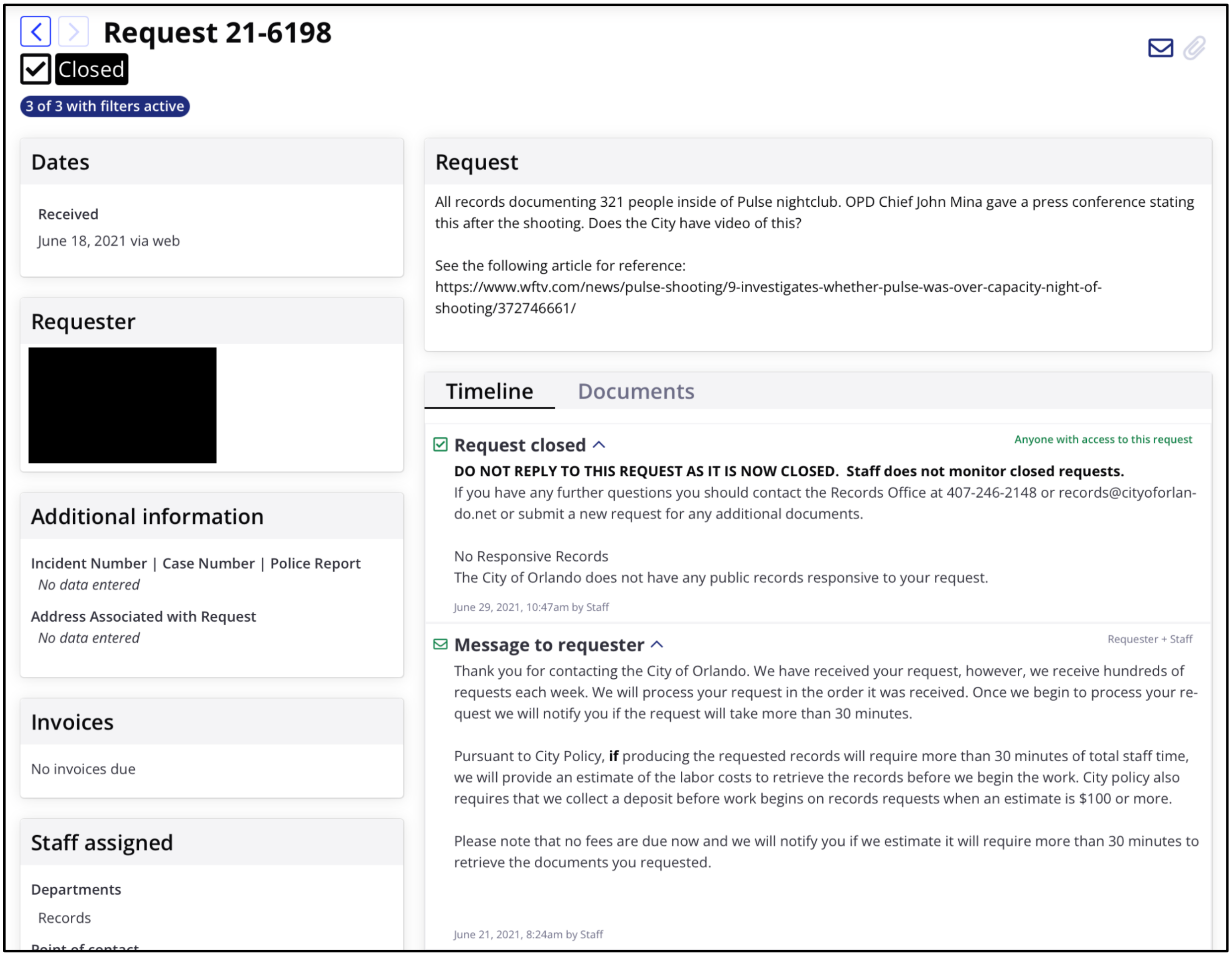
Moreover, if the OPD or any law enforcement agency conducted a legitimate investigation, they would have looked at evidence not available to the public and could have come up with an even more precise number. For example, investigators could have, at any time, sought out and analyzed financial transactions for drink purchases, financial records related to the amount of cover charges collected at the door (most victims paid a $10 cover), the nightclub's required clicker counter, and the evidence documented in this report, which includes victim lists from organizations that provided assistance to victims/survivors. To our knowledge, no one else has put in real effort to even try to determine the exact number of people who were at PULSE at the time of the shooting on June 12, 2016. This is extremely problematic in the recognition of PULSE survivors, especially when the City of Orlando is on track to build a memorial with a visitor center and a "survivor's commons," despite its lack of effort to even identify PULSE survivors.

All OPD had to do to determine for a fact that PULSE was over capacity on the night of the shooting was to look at the City's own records, which documents 308 victims/survivors who received financial assistance through the OneOrlando Fund. This is three more survivors than what the fund's administrators documented.

OPD investigators could have also verified this information directly with the FBI, but they did not, further bringing into question the legitimacy of their "investigation." We also know that a number of survivors, including some in our group, did not apply for funds and are not on any OneOrlando Fund list. Thus, the number of patrons in PULSE that night is well over its legal limits—a clear and documented life safety violation that also impeded egress.

In the immediate aftermath of the shooting, the City of Orlando itself stated that 321 people were

in the club, well over its legal occupancy load limit. Although the City claimed, through our public record requests, it has no record of this, this fact was documented by *WFTV*.[173] ClickOrlando also reported that shortly after **the shooting City officials stated there were 320 people in the club**.[174] The City's initial claims and subsequent refusal to verify the number of victims/survivors at PULSE further illustrate the City's broader pattern of making definitive public statements in the immediate aftermath of the shooting, only to later assert in responses to public-records requests that it possessed no records substantiating those figures and no records memorializing the City officials' own statements to the media.



Request 21-6198

☑ Closed

3 of 3 with filters active

Dates

Received
June 18, 2021 via web

Requester

[redacted]

Additional information

Incident Number | Case Number | Police Report
No data entered

Address Associated with Request
No data entered

Invoices

No invoices due

Staff assigned

Departments
Records

Point of contact

Request

All records documenting 321 people inside of Pulse nightclub. OPD Chief John Mina gave a press conference stating this after the shooting. Does the City have video of this?

See the following article for reference:
https://www.wftv.com/news/pulse-shooting/9-investigates-whether-pulse-was-over-capacity-night-of-shooting/372746661/

Timeline | Documents

☑ **Request closed**
Anyone with access to this request

DO NOT REPLY TO THIS REQUEST AS IT IS NOW CLOSED. Staff does not monitor closed requests.
If you have any further questions you should contact the Records Office at 407-246-2148 or records@cityoforlando.net or submit a new request for any additional documents.

No Responsive Records
The City of Orlando does not have any public records responsive to your request.

June 29, 2021, 10:47am by Staff

Message to requester
Requester + Staff

Thank you for contacting the City of Orlando. We have received your request, however, we receive hundreds of requests each week. We will process your request in the order it was received. Once we begin to process your request we will notify you if the request will take more than 30 minutes.

Pursuant to City Policy, **if** producing the requested records will require more than 30 minutes of total staff time, we will provide an estimate of the labor costs to retrieve the records before we begin the work. City policy also requires that we collect a deposit before work begins on records requests when an estimate is $100 or more.

Please note that no fees are due now and we will notify you if we estimate it will require more than 30 minutes to retrieve the documents you requested.

June 21, 2021, 8:24am by Staff

Public Records Request No. 21-6198: One of multiple records requests submitted to the City of Orlando to get an official accounting of PULSE's occupancy at the time of the shooting.

The fact that City officials would release any number to the public, have no record of this number or doing so,[175] and then later deny knowing the occupancy of PULSE is dubious.

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[173] "9 Investigates whether PULSE was over capacity night of shooting," *WFTV*, July 1, 2016. https://www.wftv.com/news/pulse-shooting/9-investigates-whether-pulse-was-over-capacity-night-of-shooting/372746661/

[174] "Records detail exits, capacity at PULSE nightclub," *ClickOrlando*, June 28, 2016. https://www.clickorlando.com/news/2016/06/28/records-detail-exits-capacity-at-pulse-nightclub/

According to WFTV's reporting, Gus Benitez, the lawyer for the Pomas, "said the total occupancy figure for the club that night came from a clicker counter, then he said that wasn't true."[176] Benitez also stated that the clicker counter is not on the FBI's inventory list of evidence from the club. This contradicts the OPD's 2024 statement that "the FBI would be in possession of the hand-held clicker (if one exists) used to monitor the patron count. This item was removed from inside of PULSE prior to the photographs taken by OPD." This suggests that OPD did not even look at the FBI's evidence inventory list before making its investigative conclusion.

There is another source of information that we have been given access to, which gives a better idea regarding just how much the nightclub was over capacity the night of the shooting. The Orlando United Assistance Center (OUAC) and The Center (a local nonprofit) provided services to victims/survivors in the years after the shooting.

We were leaked their list of victims/survivors, which was also given to the onePULSE Foundation in complete violation of victim privacy. This list shows closer to 370 victims/survivors. Again, validated survivors in our group are not on that list either. So, PULSE's occupancy may have even been greater than that. These survivors did not receive funds from the OneOrlando Fund, some were from out of state, and others not on the list even had their car stuck on the PULSE property for days while it was closed off as a crime scene. For example, even survivor and PULSE employee, **Imran Yousuf**, who questionably made headlines in the aftermath of the shooting and told the exact same story that **Neal Whittleton** told the media, is also not on the OUAC list.[177]

Thus, even the OUAC's list, which identifies nearly 370 victims and survivors, remains incomplete. Still, it is likely closer to the true number of victims and survivors than the lower count validated by the FBI through applications to the OneOrlando Fund.[178]

Both victim lists, and the disparity between them, underscore the nightclub's overcrowded conditions during the tragedy. By triangulating information from multiple sources, we were able to estimate a range for how far over capacity PULSE was that night. In other words, if the OneOrlando Fund's list—confirmed by the FBI—provides a baseline lower limit of 305 victims and survivors, the OUAC list gives us a higher documented figure that helps narrow the range. This is all that is needed to prove the nightclub was indeed over its limit of 299 people.

Lastly, Barbara Poma herself, as Executive Director of the failed onePULSE Foundation, provided numbers to memorial designers who participated in its International Design competition that put her own nightclub over its legal capacity.[179] One of the finalists chosen by the nonprofit, Diller, Scofidio, and Renfro and Rene Gonzalez Architects, showed 268 survivor columns. When you add the 49 victims, you get a total of **317** victims/survivors. This gives further credibility to the nightclub being over its legal capacity, **as the owner herself agreed to a number over the nightclub's occupancy load limit of 299.**[180]

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[175] See Requests 19-7031, 19-7662, 19-7825, 20-3220, 21-6198, and 22-8406. City of Orlando.

[176] "9 Investigates whether PULSE was over capacity night of shooting," *WFTV*, July 1, 2016. https://www.wftv.com/news/pulse-shooting/9-investigates-whether-pulse-was-over-capacity-night-of-shooting/372746661/

[177] "War veteran saves dozens during Orlando nightclub shooting," *CBS News*, Mark Strassman, June 13, 2016. https://www.cbsnews.com/news/war-veteran-imran-yousef-saves-dozens-during-orlando-nightclub-shooting-omar-mateen/

[178] To maintain victim privacy, we have not included OUAC's victim/survivor list in this report.

Again, overcrowding is both a code violation and a life safety violation, as it hinders egress or the ability for people to get out of a building in any emergency. OPD's determination that an "exact number" cannot be determined is another attempt to discredit the fact that PULSE was over capacity on June 12, 2016.

Another false assertion made by the OPD in their 2024 "investigative" report had to do with the photographs we provided of PULSE's crowded dance floor in our earlier report *They Knew* (2020). Rather than trying to verify their authenticity, OPD investigators stated, "it is unknown if the pictures were taken at PULSE." This was yet another attempt to discredit us. In addition to the photos, we published in *They Knew*, significant evidence showing that PULSE was too often overcrowded. This is a fact that even the City's own Fire Inspectors who inspected PULSE have privately acknowledged and is one of the reasons why one of them only inspected the nightclub at night, when it was operational, and during peak hours.

The photos we chose to publish in our report *They Knew* (2020) are just a selected few of many we have documenting the crowded conditions at PULSE. We chose these photos, particularly, because they showed site-specific decorations and unique and clearly identifiable parts of PULSE's interior that made the location of these photos unmistakable and unquestionable.

In one photo, you can see PULSE's unpermitted dance floor and stage. In another, you can see their paper lanterns. In the others, you can see the chandelier that the Pomas claimed was from the Moulin Rouge. Thus, it is easily discernable that the photos in our report were taken at PULSE. The OPD's statement that "it is unknown if the pictures were taken at PULSE" actually shows how little they know about PULSE's interior and that they were uninterested in conducting a true investigation. The OPD's erroneous investigative claims are as staggering as they are embarrassing.

As we have proven, time and time again, the OPD investigators have shown themselves to be conflicted and unqualified to conduct this kind of an investigation. We consider them to be a complete embarrassment to local law enforcement and our criminal justice system. We also consider OPD's severely flawed investigation to be a blatant obstruction of justice and a civil rights violation, as crime victims have the right to due process and the OPD has a duty to enforce the law. This sham investigation appears to be yet another effort by the City of Orlando to obscure and conceal the facts and not just a reflection of sheer incompetence or dereliction of duty.

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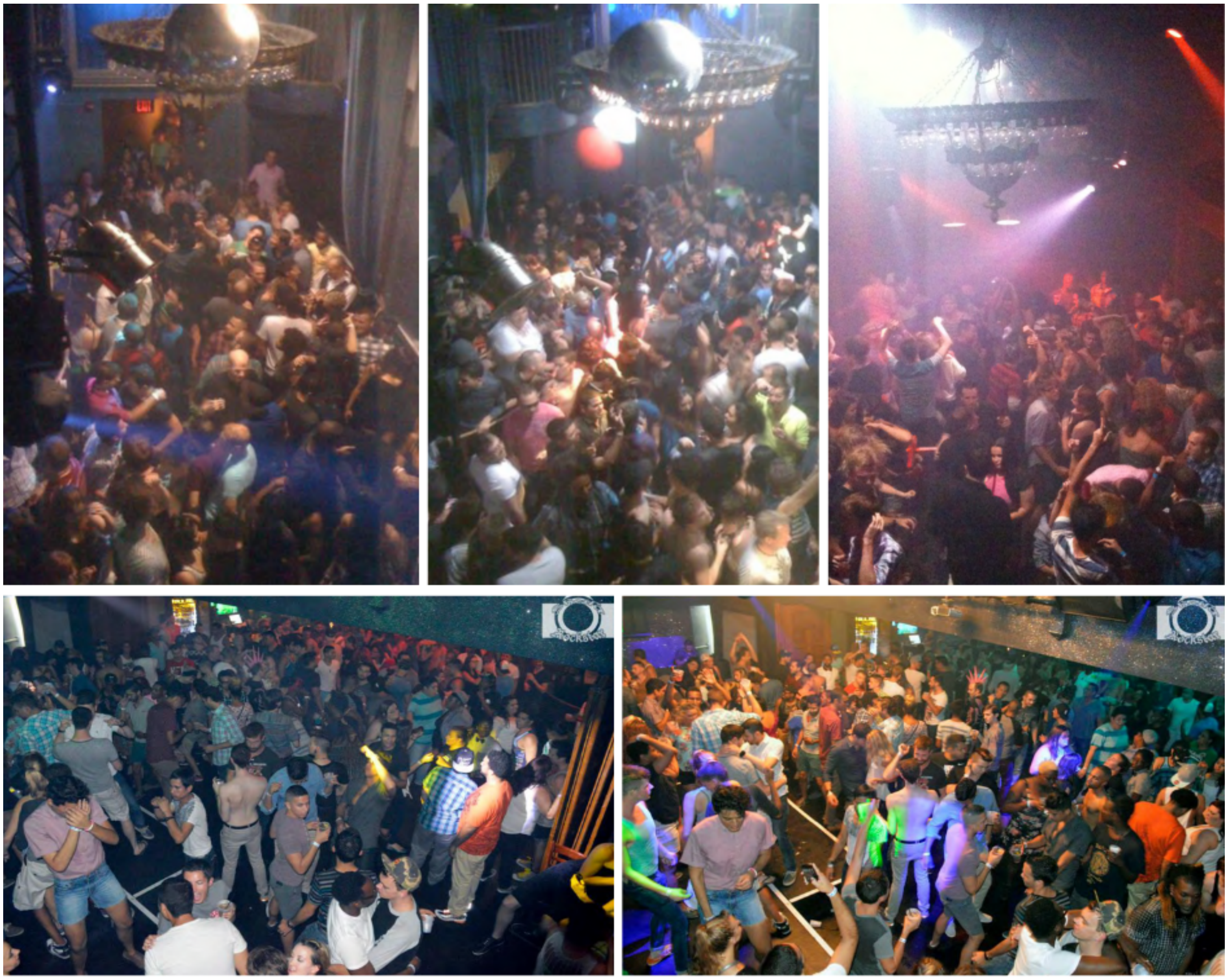
[179] The onePULSE Foundation refused to give us both their Stage I and Stage II Design Briefs when requested in June 2020, however, we were able to get the Stage I Design Brief through other means. We believe the Stage II Design Brief contained the facts surrounding the shooting to inform competing designers and incorporate into their proposed memorial designs.

[180] See page 169 of *They Knew* in Appendix H.

The public has a strong interest in understanding these issues, because if significant gaps are evident in the investigation of a crime of this magnitude, it raises serious concerns about the adequacy and consistency of investigative practices in other cases.



Historical Photos of Over-Crowded Nights at PULSE: A selection of photos we published of PULSE's crowded dance floor prior to the shooting. We have numerous photos of a crowded PULSE that substantiate claims of frequent overcrowding at PULSE, with one of those claims being made by an OPD officer.[181]

Furthermore, as the OPD dismissed this easily verifiable photographic evidence, it was also quick to discount the observations made by a former PULSE dancer that on most nights PULSE would be filled with between 500 and 600 people. This was published in the Miami Herald.

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[181] See email from May 4, 2007, between OFD Mark E. Ripplinger and Thomas Blaha. Sent at 1:14 PM, Subject: The PULSE. City of Orlando.

The OPD's ongoing pattern of refusing to document facts, ignoring documented evidence, discounting witness accounts, and dismissing survivor experiences began to feel discriminatory—consistent with how law enforcement routinely treats communities that are Black, Latino, LGBTQ+, young, working class, immigrant, and non-English speaking, with varying citizenship statuses—communities that represent the majority of PULSE victims' families and survivors, and whose accounts are historically disbelieved, minimized, and ignored.[182]

At the same time, the OPD was quick to take the position that the City's inspections are reliable, without considering the fact that its employer (the City) allowed PULSE to operate in violation of its CUP and with obvious unpermitted renovations and code violations for over 12 years and lacked adequate inspection documentation.

The City relies on these incomplete, omission-ridden inspections and exit checks when it suits their narrative or helps them present convenient data—but dismisses the very same inspections and checks when they reveal problems the City would rather deny.[183]

This was the case with an exit at PULSE being marked inoperable prior to the shooting in an OFD inspection, as well as numerous other inspections that note, "No Changes in Floorplan" despite obvious unpermitted renovations over the span of years (*see, 2016 example on next page*). The City's written inspections and statements are proven to be unreliable, while the City's photographic and video evidence provides a more complete and reliable record of the facts.

The legitimacy of the City of Orlando's assignment of 299 as PULSE's occupancy load limit is also questionable, as we laid out above. Contrary to what the City of Orlando has stated in multiple documents, the occupancy load at PULSE changed multiple times, often arbitrarily and haphazardly, with no evidence of an official occupancy load analysis worksheet that corresponds to the 299 number.[184]

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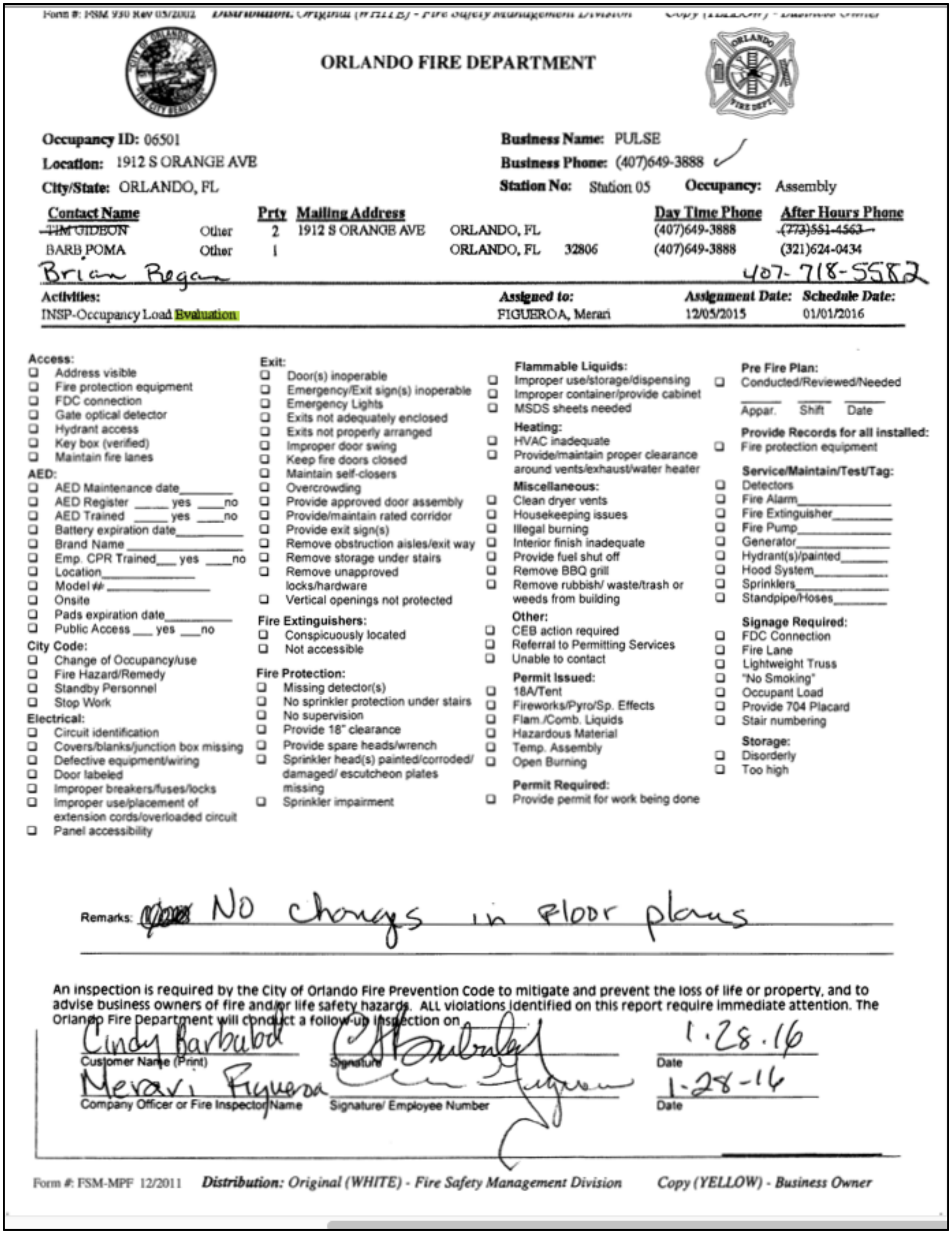
[182] See https://www.protectedandserved.org/2022-report-full-report; https://docs.house.gov/meetings/JU/JU00/20190919/109952/HHRG-116-JU00-20190919-SD042.pdf; and https://www.loc.gov/static/services/federal-research-division/our-federal-research/documents/LGBTQI-Communities_Report.pdf.

[183] "City of Orlando now says calling door at PULSE 'inoperable' was a mistake," *WFTV,* July 1, 2016, https://www.wftv.com/news/pulse-shooting/city-of-orlando-now-says-calling-door-at-pulse-inoperable-was-a-mistake/369913144/

[184] See Request 20-3253. City of Orlando.



Form #: FSM 930 Rev 03/2002 **Distribution:** *Original (WHITE) - Fire Safety Management Division* *Copy (YELLOW) - Business Owner*

ORLANDO FIRE DEPARTMENT

Occupancy ID: 06501
Location: 1912 S ORANGE AVE
City/State: ORLANDO, FL

Business Name: PULSE
Business Phone: (407)649-3888 ✓
Station No: Station 05 **Occupancy:** Assembly

Contact Name		**Prty**	**Mailing Address**			**Day Time Phone**	**After Hours Phone**
~~TIM GIDEON~~	Other	2	1912 S ORANGE AVE	ORLANDO, FL		(407)649-3888	~~(773)551-4563~~
BARB POMA	Other	1		ORLANDO, FL	32806	(407)649-3888	(321)624-0434
Brian Regan							407-718-5582

Activities:
INSP-Occupancy Load Evaluation

Assigned to:
FIGUEROA, Merari

Assignment Date: 12/05/2015
Schedule Date: 01/01/2016

Access:
☐ Address visible
☐ Fire protection equipment
☐ FDC connection
☐ Gate optical detector
☐ Hydrant access
☐ Key box (verified)
☐ Maintain fire lanes

AED:
☐ AED Maintenance date________
☐ AED Register _____ yes ____no
☐ AED Trained _____ yes ____no
☐ Battery expiration date__________
☐ Brand Name ________________
☐ Emp. CPR Trained___ yes ____no
☐ Location_____________
☐ Model # ______________
☐ Onsite
☐ Pads expiration date__________
☐ Public Access ___ yes ___no

City Code:
☐ Change of Occupancy/use
☐ Fire Hazard/Remedy
☐ Standby Personnel
☐ Stop Work

Electrical:
☐ Circuit identification
☐ Covers/blanks/junction box missing
☐ Defective equipment/wiring
☐ Door labeled
☐ Improper breakers/fuses/locks
☐ Improper use/placement of extension cords/overloaded circuit
☐ Panel accessibility

Exit:
☐ Door(s) inoperable
☐ Emergency/Exit sign(s) inoperable
☐ Emergency Lights
☐ Exits not adequately enclosed
☐ Exits not properly arranged
☐ Improper door swing
☐ Keep fire doors closed
☐ Maintain self-closers
☐ Overcrowding
☐ Provide approved door assembly
☐ Provide/maintain rated corridor
☐ Provide exit sign(s)
☐ Remove obstruction aisles/exit way
☐ Remove storage under stairs
☐ Remove unapproved locks/hardware
☐ Vertical openings not protected

Fire Extinguishers:
☐ Conspicuously located
☐ Not accessible

Fire Protection:
☐ Missing detector(s)
☐ No sprinkler protection under stairs
☐ No supervision
☐ Provide 18" clearance
☐ Provide spare heads/wrench
☐ Sprinkler head(s) painted/corroded/ damaged/ escutcheon plates missing
☐ Sprinkler impairment

Flammable Liquids:
☐ Improper use/storage/dispensing
☐ Improper container/provide cabinet
☐ MSDS sheets needed

Heating:
☐ HVAC inadequate
☐ Provide/maintain proper clearance around vents/exhaust/water heater

Miscellaneous:
☐ Clean dryer vents
☐ Housekeeping issues
☐ Illegal burning
☐ Interior finish inadequate
☐ Provide fuel shut off
☐ Remove BBQ grill
☐ Remove rubbish/ waste/trash or weeds from building

Other:
☐ CEB action required
☐ Referral to Permitting Services
☐ Unable to contact

Permit Issued:
☐ 18A/Tent
☐ Fireworks/Pyro/Sp. Effects
☐ Flam./Comb. Liquids
☐ Hazardous Material
☐ Temp. Assembly
☐ Open Burning

Permit Required:
☐ Provide permit for work being done

Pre Fire Plan:
☐ Conducted/Reviewed/Needed
_____ Appar. _____ Shift _____ Date

Provide Records for all installed:
☐ Fire protection equipment

Service/Maintain/Test/Tag:
☐ Detectors
☐ Fire Alarm____________
☐ Fire Extinguisher_________
☐ Fire Pump_____________
☐ Generator_____________
☐ Hydrant(s)/painted_______
☐ Hood System__________
☐ Sprinklers_____________
☐ Standpipe/Hoses________

Signage Required:
☐ FDC Connection
☐ Fire Lane
☐ Lightweight Truss
☐ "No Smoking"
☐ Occupant Load
☐ Provide 704 Placard
☐ Stair numbering

Storage:
☐ Disorderly
☐ Too high

Remarks: NO changes in floor plans

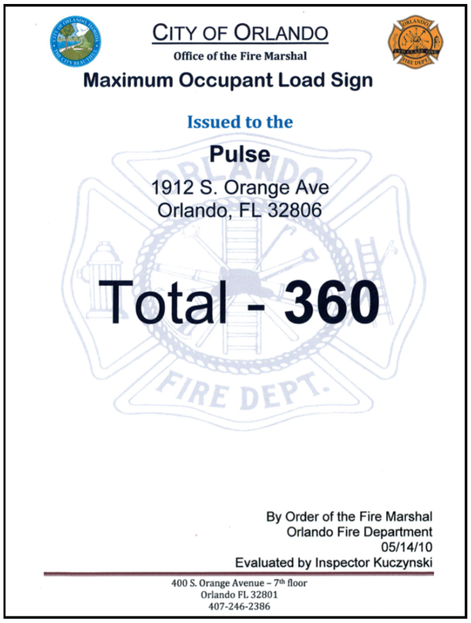
An inspection is required by the City of Orlando Fire Prevention Code to mitigate and prevent the loss of life or property, and to advise business owners of fire and/or life safety hazards. ALL violations identified on this report require immediate attention. The Orlando Fire Department will conduct a follow-up inspection on ________

Customer Name (Print): Cindy Barbubd
Signature: ________
Date: 1.28.16

Company Officer or Fire Inspector Name: Merari Figueroa
Signature/ Employee Number: ________
Date: 1-28-16

Form #: FSM-MPF 12/2011 **Distribution:** *Original (WHITE) - Fire Safety Management Division* *Copy (YELLOW) - Business Owner*

OFD Fire Inspection Report from January 28, 2016: One of many inspections that incorrectly states there are "No Changes in Floor Plans." This would have been easily discoverable by OFD inspectors, as the OFD only had outdated building plans from 2004 that did not reflect the actual layout of the PULSE nightclub.



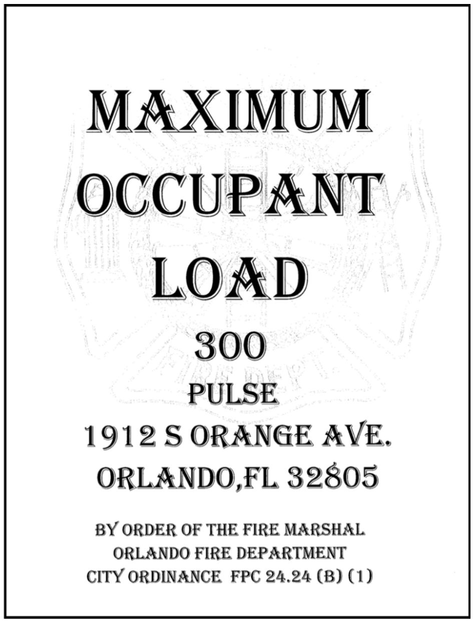
CITY OF ORLANDO
Office of the Fire Marshal
Maximum Occupant Load Sign

Issued to the
Pulse
1912 S. Orange Ave
Orlando, FL 32806

Total - 360

By Order of the Fire Marshal
Orlando Fire Department
05/14/10
Evaluated by Inspector Kuczynski

400 S. Orange Avenue – 7th floor
Orlando FL 32801
407-246-2386

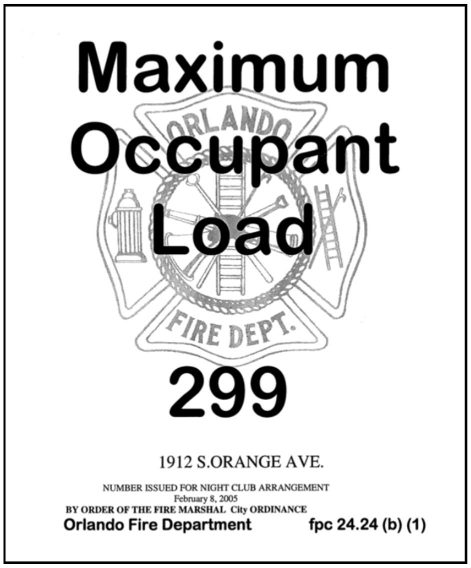


MAXIMUM OCCUPANT LOAD

300

PULSE
1912 S ORANGE AVE.
ORLANDO,FL 32805

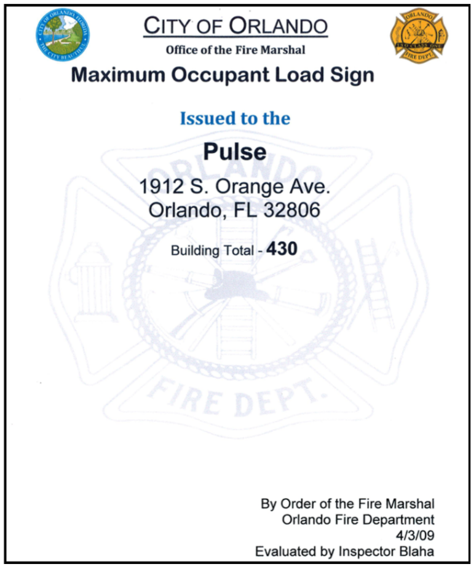
BY ORDER OF THE FIRE MARSHAL
ORLANDO FIRE DEPARTMENT
CITY ORDINANCE FPC 24.24 (B) (1)



Maximum Occupant Load

299

1912 S.ORANGE AVE.
NUMBER ISSUED FOR NIGHT CLUB ARRANGEMENT
February 8, 2005
BY ORDER OF THE FIRE MARSHAL City ORDINANCE
Orlando Fire Department **fpc 24.24 (b) (1)**



CITY OF ORLANDO
Office of the Fire Marshal
Maximum Occupant Load Sign

Issued to the
Pulse
1912 S. Orange Ave.
Orlando, FL 32806

Building Total - **430**

By Order of the Fire Marshal
Orlando Fire Department
4/3/09
Evaluated by Inspector Blaha

PULSE's Maximum Occupant Load Signage: **Showing over the years, PULSE's maximum occupant load shifted dramatically over the years, despite no changes to the square footage of the building**. There is no documentation that shows that the nightclub's unpermitted layout, which did not include interior expansions, was evaluated properly or used in occupancy load calculations and worksheets.

Documents, which include completed occupancy load signage, show PULSE's occupancy load records shifting between 223 to 430 from 2004 to 2016 and was shifted down to 299 due to the business's inability to install a required alarm system. These records contradict the City of Orlando's statement that there were only discussions about increasing occupancy load and that City records reflect "that never occurred."[185]

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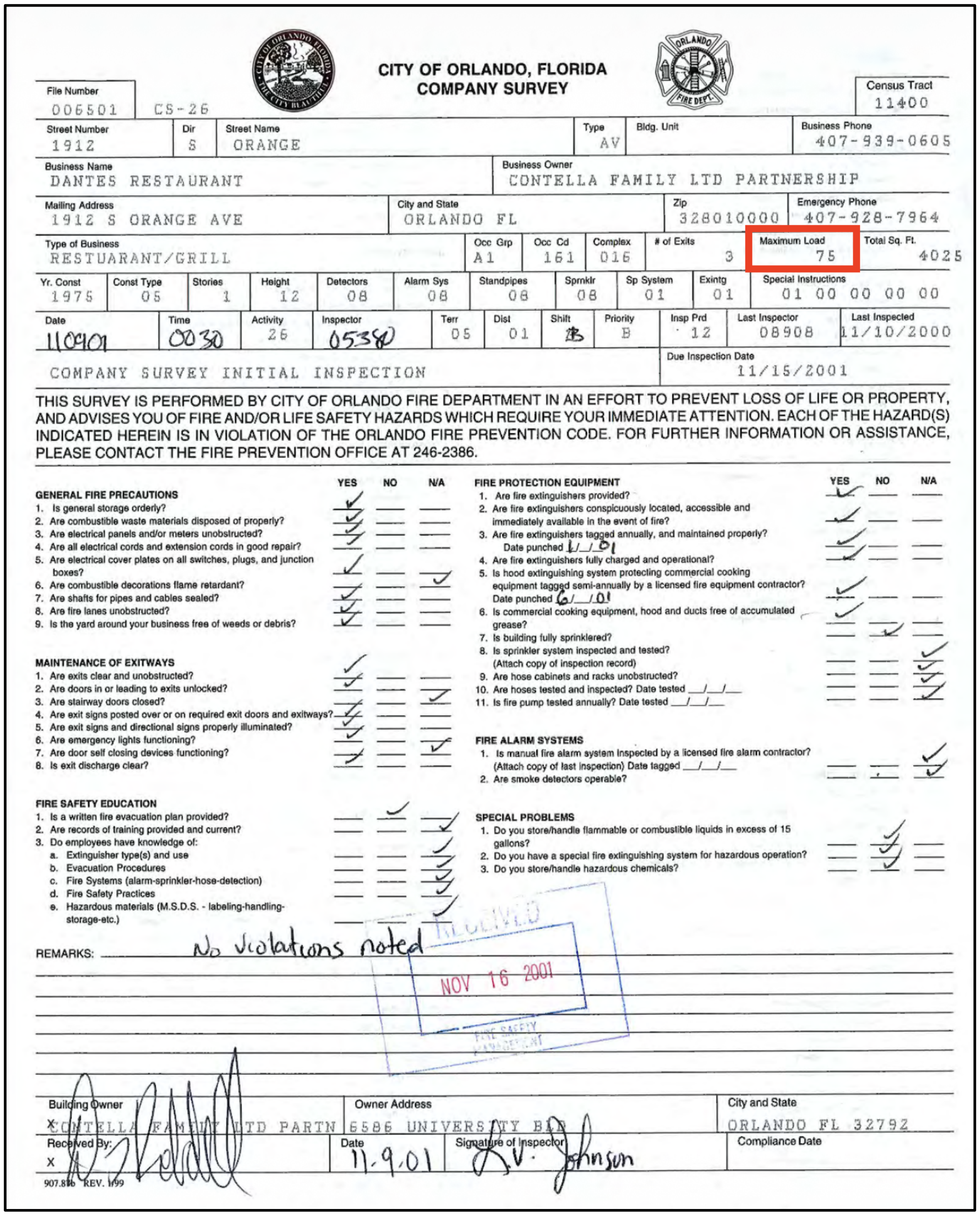
[185] Appendix L.

Again, **before 1912 S. Orange Avenue was owned by the Pomas, the occupancy load limit was 75. The City allowed the Pomas to *quadruple* its occupancy load limit without ever increasing the building's square footage and actually reducing the amount of standing room within the building** with money-generating go-go dancer stages and VIP seating.



CITY OF ORLANDO, FLORIDA
COMPANY SURVEY

File Number 006501	CS-26				Census Tract 11400
Street Number 1912	Dir S	Street Name ORANGE	Type AV	Bldg. Unit	Business Phone 407-939-0605

Business Name DANTES RESTAURANT	Business Owner CONTELLA FAMILY LTD PARTNERSHIP

Mailing Address 1912 S ORANGE AVE	City and State ORLANDO FL	Zip 328010000	Emergency Phone 407-928-7964

Type of Business RESTUARANT/GRILL	Occ Grp A1	Occ Cd 161	Complex 016	# of Exits 3	Maximum Load 75	Total Sq. Ft. 4025

Yr. Const 1975	Const Type 05	Stories 1	Height 12	Detectors 08	Alarm Sys 08	Standpipes 08	Sprnklr 08	Sp System 01	Exintg 01	Special Instructions 01 00 00 00 00

Date 110901	Time 0030	Activity 26	Inspector 05380	Terr 05	Dist 01	Shift B	Priority B	Insp Prd 12	Last Inspector 08908	Last Inspected 11/10/2000

COMPANY SURVEY INITIAL INSPECTION	Due Inspection Date 11/15/2001

THIS SURVEY IS PERFORMED BY CITY OF ORLANDO FIRE DEPARTMENT IN AN EFFORT TO PREVENT LOSS OF LIFE OR PROPERTY, AND ADVISES YOU OF FIRE AND/OR LIFE SAFETY HAZARDS WHICH REQUIRE YOUR IMMEDIATE ATTENTION. EACH OF THE HAZARD(S) INDICATED HEREIN IS IN VIOLATION OF THE ORLANDO FIRE PREVENTION CODE. FOR FURTHER INFORMATION OR ASSISTANCE, PLEASE CONTACT THE FIRE PREVENTION OFFICE AT 246-2386.

GENERAL FIRE PRECAUTIONS	YES	NO	N/A
1. Is general storage orderly?	✓		
2. Are combustible waste materials disposed of properly?	✓		
3. Are electrical panels and/or meters unobstructed?	✓		
4. Are all electrical cords and extension cords in good repair?	✓		
5. Are electrical cover plates on all switches, plugs, and junction boxes?	✓		
6. Are combustible decorations flame retardant?			✓
7. Are shafts for pipes and cables sealed?	✓		
8. Are fire lanes unobstructed?	✓		
9. Is the yard around your business free of weeds or debris?	✓		

MAINTENANCE OF EXITWAYS	YES	NO	N/A
1. Are exits clear and unobstructed?	✓		
2. Are doors in or leading to exits unlocked?			✓
3. Are stairway doors closed?	✓		
4. Are exit signs posted over or on required exit doors and exitways?	✓		
5. Are exit signs and directional signs properly illuminated?	✓		
6. Are emergency lights functioning?	✓		
7. Are door self closing devices functioning?			✓
8. Is exit discharge clear?	✓		

FIRE SAFETY EDUCATION	YES	NO	N/A
1. Is a written fire evacuation plan provided?		✓	
2. Are records of training provided and current?			✓
3. Do employees have knowledge of:			
a. Extinguisher type(s) and use			✓
b. Evacuation Procedures			✓
c. Fire Systems (alarm-sprinkler-hose-detection)			✓
d. Fire Safety Practices			✓
e. Hazardous materials (M.S.D.S. - labeling-handling-storage-etc.)			✓

FIRE PROTECTION EQUIPMENT	YES	NO	N/A
1. Are fire extinguishers provided?	✓		
2. Are fire extinguishers conspicuously located, accessible and immediately available in the event of fire?	✓		
3. Are fire extinguishers tagged annually, and maintained properly? Date punched 1/__/01	✓		
4. Are fire extinguishers fully charged and operational?	✓		
5. Is hood extinguishing system protecting commercial cooking equipment tagged semi-annually by a licensed fire equipment contractor? Date punched 6/__/01	✓		
6. Is commercial cooking equipment, hood and ducts free of accumulated grease?	✓		
7. Is building fully sprinklered?		✓	
8. Is sprinkler system inspected and tested? (Attach copy of inspection record)			✓
9. Are hose cabinets and racks unobstructed?			✓
10. Are hoses tested and inspected? Date tested __/__/__			✓
11. Is fire pump tested annually? Date tested __/__/__			✓

FIRE ALARM SYSTEMS	YES	NO	N/A
1. Is manual fire alarm system inspected by a licensed fire alarm contractor? (Attach copy of last inspection) Date tagged __/__/__			✓
2. Are smoke detectors operable?			✓

SPECIAL PROBLEMS	YES	NO	N/A
1. Do you store/handle flammable or combustible liquids in excess of 15 gallons?		✓	
2. Do you have a special fire extinguishing system for hazardous operation?		✓	
3. Do you store/handle hazardous chemicals?		✓	

REMARKS: No violations noted

RECEIVED
NOV 16 2001
FIRE SAFETY MANAGEMENT

Building Owner X CONTELLA FAMILY LTD PARTN	Owner Address 6586 UNIVERSITY BLD	City and State ORLANDO FL 32792
Received By: X	Date 11.9.01 / Signature of Inspector R.V. Johnson	Compliance Date

907.8b REV. 1/99

Fire Company Survey of 1912 S. Orange Avenue from November 9, 2001: Shows the maximum occupant load at Lorenzo's Restaurant was 75 prior to purchase by Pomas. It more than tripled when it became PULSE, with zero square footage expansion.

This is particularly concerning when one of the issues that former OPD Chief John Mina stressed in the presentations he gave to law enforcement on lessons learned from the PULSE shooting was the fact that the nightclub was so small and had small rooms.

PULSE TRAGEDY
ORLANDO POLICE CHIEF DISCUSSES TIMELINE
NEWS 6

Former OPD Chief John Mina: Discusses how surprisingly small the PULSE nightclub was on WKMG.

Chief Mina said:

> *A lot of people when they think active-shooter-type situation or terrorist-type situation, they're thinking these big malls, big schools, big complexes and what I really try to point out is how small it was inside that nightclub. It's you know just a little bit bigger than maybe a TGI-Fridays or an Outback Steakhouse. And, within that, the rooms are very, very small.*[186]

This is hardly the description of a nightclub that could legally and legitimately accommodate over 300 people.

Records show that when an employee of the Pomas wrote to the City claiming that they did not have enough money to do the required upgrade of installing a fire suppression system, **the City of Orlando responded by reducing their occupancy load limit so that they would not have to install the required life safety system.** How many times has the City modified an Orlando business' occupancy load limit to allow a business owner to avoid the installation of life safety requirements?[187]

The only occupancy load calculation worksheet provided by the City was from May 26, 2009, and shows an occupancy load for 360. The worksheet also shows a main assembly egress capacity of 180. Records show that these "occupancy calculations" were based on PULSE's 2004 floor plans and square footage provided by the Orange County Property Appraiser (4,499 square feet), which is 474 square feet more than the area OFD historically used for PULSE (4,025 square feet) and subsequently referred to on June 12, 2106.[188] About a month later, on April 20, 2009, the City sent a letter from Fire Marshal Tammy Hughes that stated PULSE's occupant load is 430, as evaluated by inspector Thomas Blaha.[189]

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[186] "Police Chief John Mina talks about PULSE response," *WKMG*, April 5, 2018 (date published), https://www.youtube.com/watch?v=-y_twDyAhXA&t=6s.

[187] See letter from Wendy Baker to Fire Marshal Tammy Hughes, April 8, 2009. "We have no money to install such an elaborate system at this time."

It is worth noting that the Orange County Property Appraiser also mistakenly had on its property listing that PULSE had two floors. We learned during the City's PULSE Memorial Advisory Committee meeting held on October 7, 2024, that this too was an error based on the height of the building and the unpermitted renovations. The Appraiser did not inspect the building. **Despite its unpermitted second floor, PULSE is actually considered a one-story building (by the City of Orlando)** and that the Orange County Property Appraiser rarely inspects buildings.[190]

The crowds that PULSE brought into the surrounding residential neighborhood was a known problem for years, with many neighbors complaining and even forcing the Orlando Police Department to host a meeting about the nightclub.

PULSE's parking lot had fewer than a dozen designated spaces—a strikingly inadequate number for a venue given a legal occupancy of 299 and even higher by the City of Orlando. The lack of sufficient parking underscores just how far the club's actual capacity was from what should have likely been legally permitted. Records show that the City forced Rosario Poma to utilize neighboring lots for parking. Still, patrons often parked in the streets of surrounding neighborhoods on busy nights—sometimes blocks away from the nightclub depending on how busy it was. This caused a number of documented issues for surrounding residents.[191]

The prior occupancy load limit when PULSE was a restaurant called Lorenzo's, which had three unobstructed exits rather than PULSE's two, again was 75.[192] Again, the square footage of the building (4,025 square feet, according to OFD records) never increased when it was under the ownership of Rosario Poma and Barbara Poma.[193] The only visible addition was the outdoor, illegal/unpermitted patio, which the City would not have factored into the building's occupancy load calculations since it was not permitted and reduced the number of parking spots on the property because it impeded into the designated parking lot.[194]

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[188] See email from Tammy Hughes to Chief Roderick Williams. June 12, 2016. 12:34 PM. Subject: 1912 S. Orange Avenue.

[189] Letter from Tammy Hughes to Juan Miller (PULSE) from Tammy Hughes. April 20, 2009. City of Orlando.

[190] See October 7, 2024, PULSE Memorial Advisory Committee Meeting. City of Orlando. Can view relevant clip, here: https://www.facebook.com/share/v/169ysSvC76/.

[191] Refer to May 18, 2010, Neighborhood Meeting about PULSE. City of Orlando. Also, Hyman (*Watermark*).

[192] See City of Orlando Company Survey, File Number 006501, 1912 S. Orange Avenue, OFD.

[193] OFD records used 4025 as the building's square footage (see email from Tammy Hughes, 1912 S. Orange Ave, June 12, 2016, 12:34 PM and OFD Company Survey for Lorenzo's restaurant File Number 006501, November 17, 1998). but the Orange County Property Appraiser documented 4,499 living square feet. Without a building inspection ever being done on PULSE after the unpermitted renovations, we will never have an accurate number. It is also worth noting that architects designing the memorial for the City of Orlando stated during the public committee meeting on October 7, 2024, that the Orange County Appraiser's listing for PULSE contained the wrong information, stating that PULSE was 2-stories when it should have only been one. See, https://www.facebook.com/share/v/19pNhi9J6R/. PULSE's second floor offices, where 6 survivors were trapped for 30 minutes, were also unpermitted.

There is no evidence that shows that PULSE's new building plans were used by the City to calculate a new and accurate occupancy load evaluation, and we know that at the time of the shooting that OFD only had PULSE's 2004 building plans on file.

Even if the 2010 plans were used to calculate PULSE's 299/300 occupancy load limit, the 2010 building plans that Rosario Poma emailed to Timothy Johnson that never went anywhere outside of his inbox until after the shooting did not accurately reflect the actual layout of PULSE. Furthermore, added stages and furniture would have decreased the available square footage inside the building, and should have reduced—and not increased—its occupancy load.

Any occupancy load limit for PULSE significantly higher than 75 cannot be sufficiently justified, nor can PULSE's significant fluctuations in maximum occupant loads over time.[195]

With all of OFD's inconsistencies and inaccuracies when it came to PULSE, we cannot trust their occupant load determinations—especially in the absence of the proper calculation worksheets and up-to-date building plans—just as we cannot trust OFD's other inspections.

Remember, the City publicly claimed mistakes were made in the last OFD inspection at PULSE when their report showed **an exit door being inoperable**. However, nine years after the City's claim that a door was not "inoperable" and the City's records reflected nothing more than a reporting error, we received the photo that showed an exit was in fact inoperable and blocked.[196]

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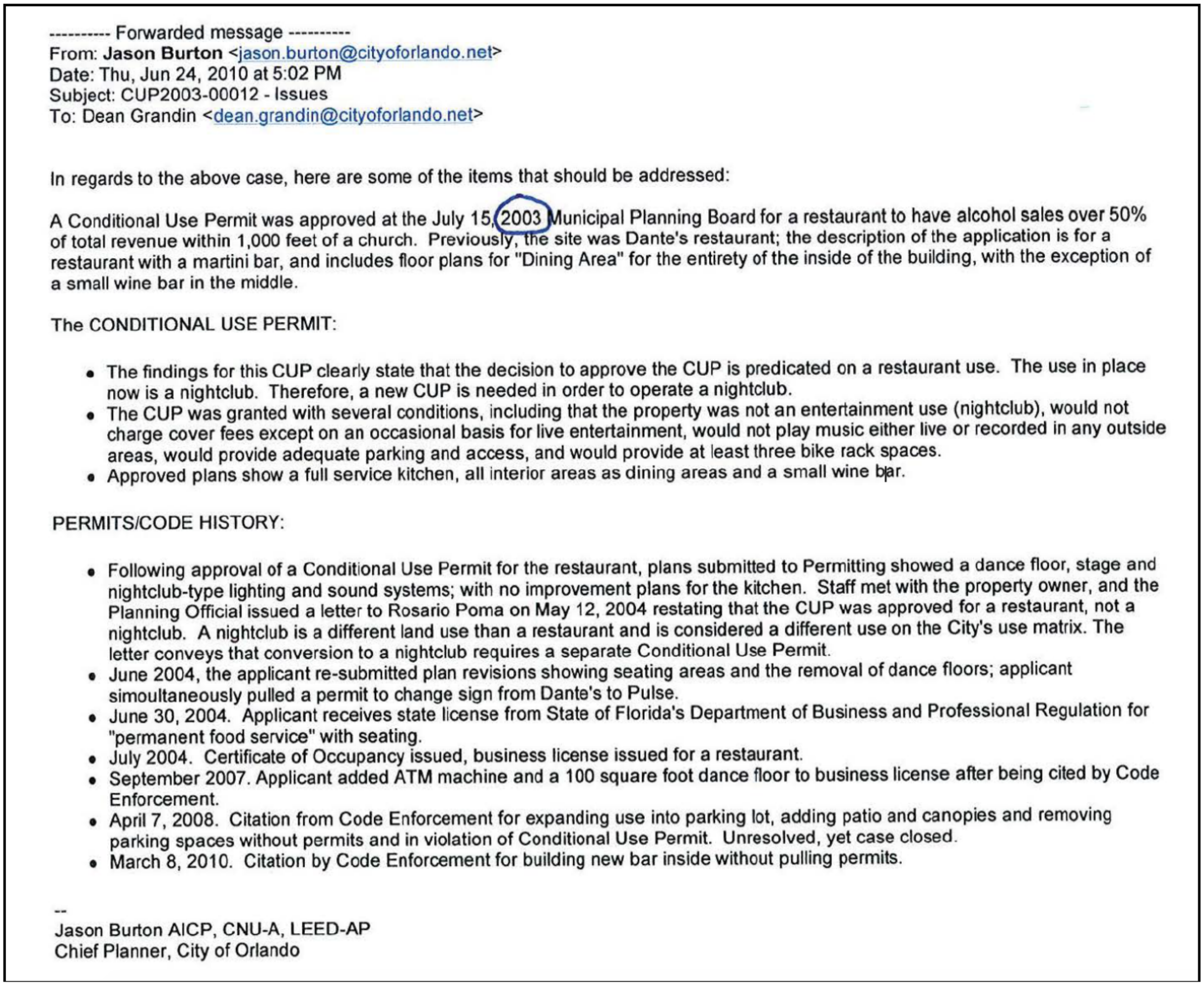
[194] The Orange County Property Appraiser site stated that PULSE had 11 parking spots, based on when the parking lot was constructed in 1990. However, aerial photographs of PULSE taken at the time of the shooting show far fewer designated parking spots due to the unpermitted addition of the patio. There is also no evidence that inspectors ever looked at PULSE's unpermitted second-floor offices before the shooting.

[195] See Requests 20-3253 and 21-6928. City of Orlando.

[196] "Report states doors were blocked at nightclub before shooting," *News WSVN* (Miami), June 28, 2016, https://wsvn.com/news/local/report-states-doors-were-blocked-in-pulse-nightclub-before-shooting/; "City of Orlando now says calling door at PULSE 'inoperable' was a mistake," *WFTV*, July 1, 2016, https://www.wftv.com/news/pulse-shooting/city-of-orlando-now-says-calling-door-at-pulse-inoperable-was-a-mistake/369913144/.



---------- Forwarded message ----------
From: **Jason Burton** <jason.burton@cityoforlando.net>
Date: Thu, Jun 24, 2010 at 5:02 PM
Subject: CUP2003-00012 - Issues
To: Dean Grandin <dean.grandin@cityoforlando.net>

In regards to the above case, here are some of the items that should be addressed:

A Conditional Use Permit was approved at the July 15, 2003 Municipal Planning Board for a restaurant to have alcohol sales over 50% of total revenue within 1,000 feet of a church. Previously, the site was Dante's restaurant; the description of the application is for a restaurant with a martini bar, and includes floor plans for "Dining Area" for the entirety of the inside of the building, with the exception of a small wine bar in the middle.

The CONDITIONAL USE PERMIT:

- The findings for this CUP clearly state that the decision to approve the CUP is predicated on a restaurant use. The use in place now is a nightclub. Therefore, a new CUP is needed in order to operate a nightclub.
- The CUP was granted with several conditions, including that the property was not an entertainment use (nightclub), would not charge cover fees except on an occasional basis for live entertainment, would not play music either live or recorded in any outside areas, would provide adequate parking and access, and would provide at least three bike rack spaces.
- Approved plans show a full service kitchen, all interior areas as dining areas and a small wine bar.

PERMITS/CODE HISTORY:

- Following approval of a Conditional Use Permit for the restaurant, plans submitted to Permitting showed a dance floor, stage and nightclub-type lighting and sound systems; with no improvement plans for the kitchen. Staff met with the property owner, and the Planning Official issued a letter to Rosario Poma on May 12, 2004 restating that the CUP was approved for a restaurant, not a nightclub. A nightclub is a different land use than a restaurant and is considered a different use on the City's use matrix. The letter conveys that conversion to a nightclub requires a separate Conditional Use Permit.
- June 2004, the applicant re-submitted plan revisions showing seating areas and the removal of dance floors; applicant simoultaneously pulled a permit to change sign from Dante's to Pulse.
- June 30, 2004. Applicant receives state license from State of Florida's Department of Business and Professional Regulation for "permanent food service" with seating.
- July 2004. Certificate of Occupancy issued, business license issued for a restaurant.
- September 2007. Applicant added ATM machine and a 100 square foot dance floor to business license after being cited by Code Enforcement.
- April 7, 2008. Citation from Code Enforcement for expanding use into parking lot, adding patio and canopies and removing parking spaces without permits and in violation of Conditional Use Permit. Unresolved, yet case closed.
- March 8, 2010. Citation by Code Enforcement for building new bar inside without pulling permits.

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Jason Burton AICP, CNU-A, LEED-AP
Chief Planner, City of Orlando

Jason Burton Email: Jason Burton, Chief Planner of the City of Orlando, documented issues at PULSE... On June 24, 2010, Burton stated, "April 7, 2008. Citation from Code Enforcement for expanding use into the parking lot, adding patio and canopies, and removing parking spaces without permits and in violation of Conditional Use Permit. **Unresolved, yet case closed." No record of a written citation has been released to the public. This patio expansion was unpermitted.**

PULSE's last floorplans submitted to the Permitting Division showing required restaurant seating has a combined bar, table, bench, and VIP seating for less than 75 people when you add up the number of chairs.[197] We manually counted the number of chairs shown in PULSE's revised building plans; a revision that the City required to show removal of the dance floor. **This represents yet another City failure**.

Furthermore, after the shooting, Rosario Poma told property appraisers false information that included the claim that the PULSE's capacity was 324 to 425, with additional room for another 100+ people—bringing the capacity to over 525.[198] This is further proof that PULSE's owners did not understand or acknowledge their own compliance with their business's legal capacity limits.

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[197] See City of Orlando, BLD2003-08240 Plans 3.pdf, Building Plans revised on May 24, 2004, with dance floor removed following letter from Dean Grandin to Rosario Poma telling him he needed to remove the dance floor in order to be in compliance with PULSE's Conditional Use Permit (CUP).

Walled-Over Windows

Another significant issue that we raised and was completely dismissed by the City of Orlando is that there was only one window located in the reception area of the night club. This room was separated from the rest of the club by an unpermitted hallway and beaded curtains. The picture window functioned not as a window, but as a water feature.

The City's zoning codes required additional windows in the front of the building to maintain 25% transparency along Orange Avenue. Those windows were walled over. In addition to being permanently covered, the unpermitted patio bar had its liquor cabinet in front of where the windows are shown on PULSE's building plans.

Had these windows existed, it would have been easier for law enforcement to see the shooter. It is through the patio door on the nightclub's east side where Gruler fired shots at the shooter at 2:05 AM as he was walking through the dance floor killing victims during the first five minutes of the shooting response.

We documented this in our report *They Knew*, stating: "If the required windows existed at the time of the shooting, law enforcement officers would have had additional entry points to the building, as well as spaces through which to visualize the layout of the building and the locations of hostages and the shooter during the three-hour long incident."[199] To which the OPD responded, "This conditional assertion is entirely speculation and should not be entertained." However, this is not a "conditional assertion," but rather is fact-based based on documented facts. Victims could have also escaped through those windows had they not been walled over.

Where the windows were required, facing Orange Avenue, is where the first team of officers entered the building at 2:09 AM, exactly eight minutes after the shooting started and during what OPD officers considered an "extended pause" in gunfire "that lasted more than a couple of seconds."[200] This pause in gunfire occurred because the shooter's rifle jammed. This caused the shooter to retreat into the west bathrooms where victims/survivors were trapped.

Without any transparency on the east side of the building because of the walled over windows, "the momentary pause allowed [Gruler] to see" only through the fence gate opening and the open patio door.[201]

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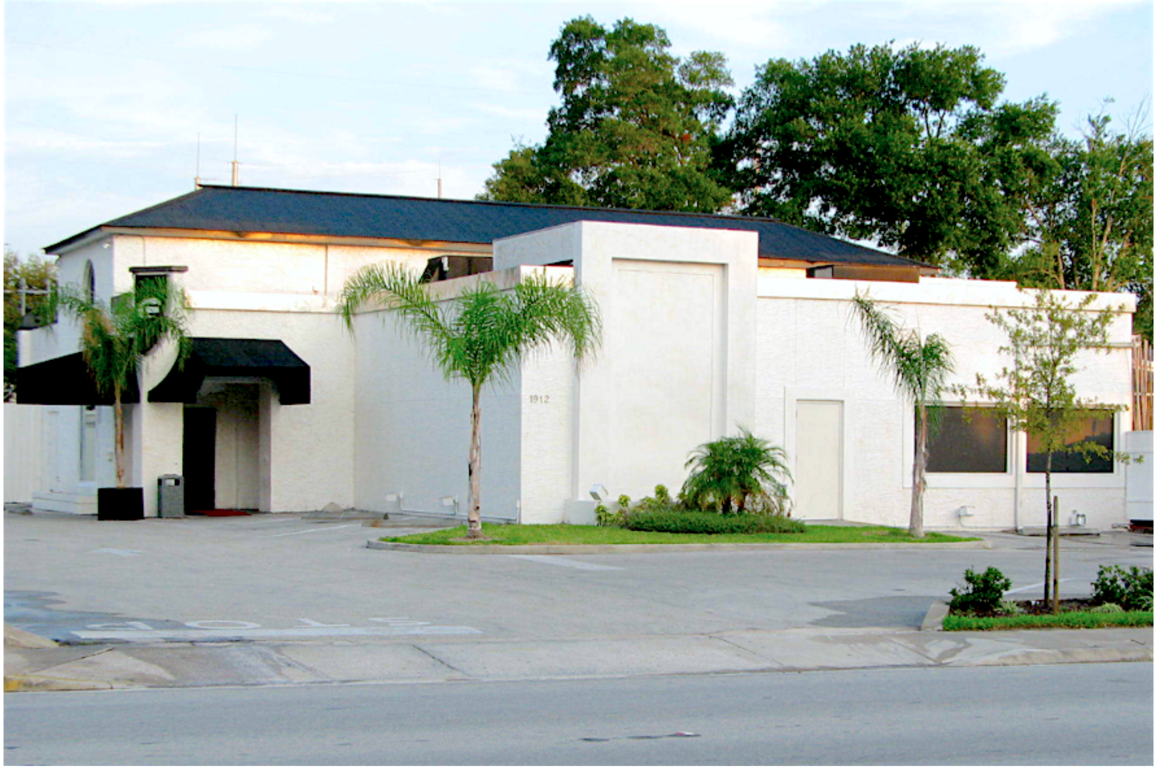
[198] Restricted Appraisal Report, PULSE Nightclub, Pinel & Carpenter, Inc., November 1, 2023, City of Orlando. Appendix N.

[199] See Appendix H. Pg. 20.

[200] According to Exhibit 100, *United States v. Noor Zahi Salman* (2018).

Had the required windows existed, police would have undeniably had more visibility into the nightclub's main dance floor, where most shooting victims were actively being killed as Gruler watched from positions of cover along Orange Avenue. They would have had a more expansive view of the shooter's movements inside the nightclub as he opened fire. The City's zoning codes required these windows precisely for transparency. The fact that PULSE's window requirements are codified in zoning law rather than life safety law is a legal distinction without a practical difference and does not diminish their life safety function, nor does it diminish the negligence of those who violated them and those who failed to enforce compliance. A window is a window, and its absence is negligence regardless of which regulatory framework mandates it.

The OPDs disregard of these pertinent facts calling it a "conditional assertion" without reconstructing and mapping out these first critical moments of their own response appears to be a dereliction of duty.



2004 Photo of PULSE Showing Required Windows and No Illegal Patio Before Unpermitted Renovations Made: Recorded by the Orange County Property Appraiser, prior to the construction of its unpermitted patio and the owners walling over its required windows. The door, shown above, to the left of the two large windows emptied out into the unpermitted, fenced-in patio on the night of the shooting.

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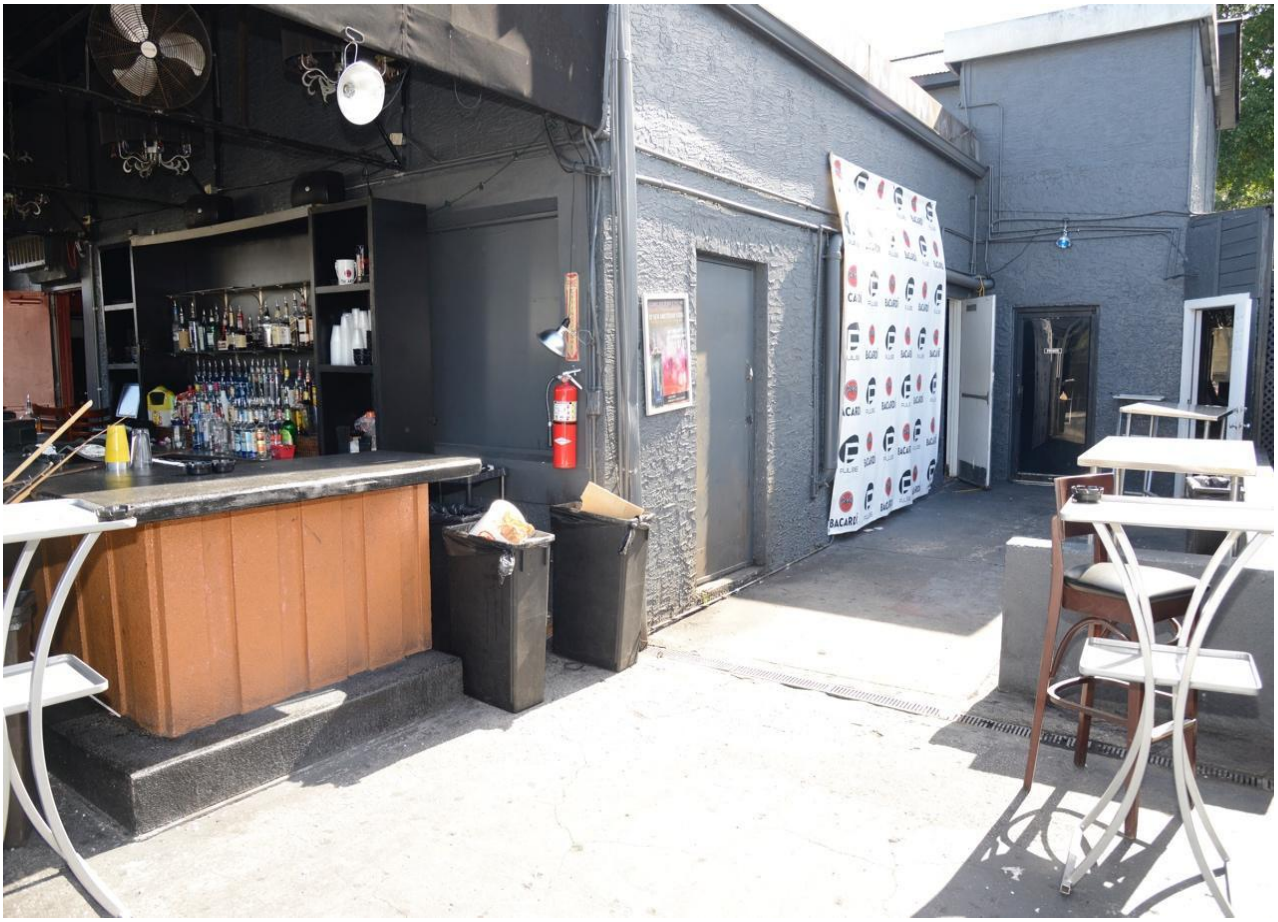
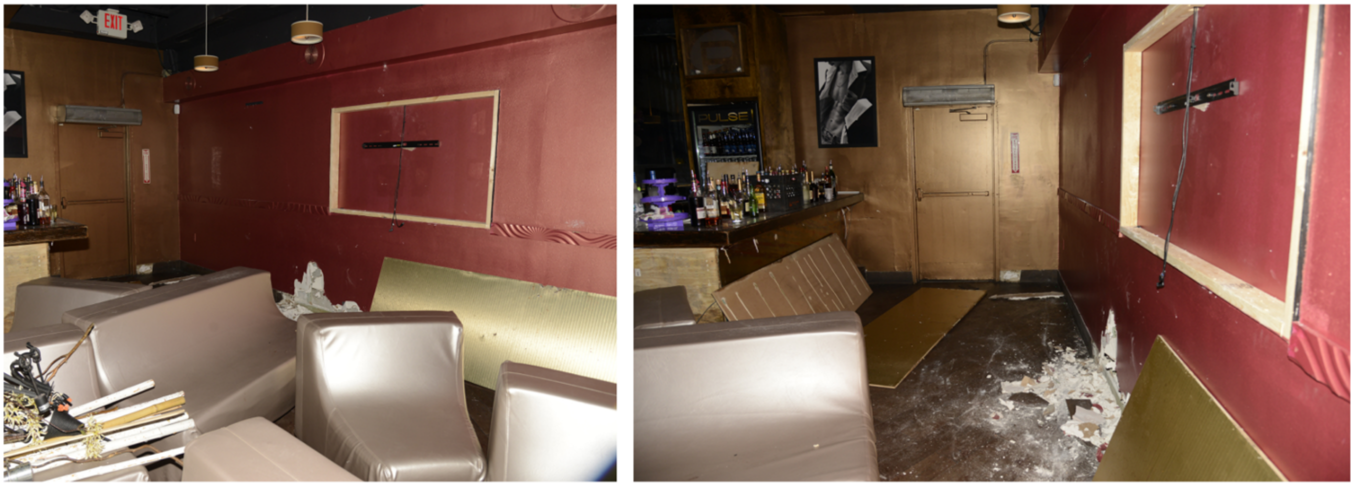
[201] OPD Det. Adam Gruler's quotes are taken from his interview conducted as part of the FDLE Internal Affairs Use of Force Investigation (2016). Case Number: OR:27-0258. See Appendix I. Pg. 124.



Exterior Photo of Walled-Over Windows: From the City of Orlando, _SRM0048.JPG shows the windows zoning codes required for transparency were painted over and concealed by the unpermitted bar's liquor storage cabinet placed in front of them.



Interior Photos of Walled-Over Windows: From the City of Orlando, images _SRM0027.JPG and _SRM0063.JPG show the same two windows required by City zoning codes completely walled over in the building's interior.

The lack of windows absolutely limited responding officers' field of vision, as Det. Gruler's only option was to peer into the main dance floor at the shooter while he was shooting through the patio gate (knocked down by survivors trying to flee) and the patio door to the nightclub from outside the front of the nightclub. Windows required for transparency, would have provided the officers on scene with exactly that—additional transparency—had PULSE owner, Rosario Poma, not walled over the required windows. Furthermore, we know from survivor statements that the lack of windows also hindered escape and caused victims to be trapped in the bathroom.

For example, survivor **Miguel Leiva**, a cancer survivor who was visiting from Miami, was interviewed by WFTV shortly after the shooting. During this interview, he stated, "There was nowhere to go. There was no exit. There were no windows to break to get out. So, I just ran into the bathroom." It is in the bathroom where he remained for the over-three-hour duration of the shooting response and was shot twice when the shooter opened fire as Miguel was being rescued by LE through a hole they made in the wall.[202]

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#OrlandoStrong

WFTV Interview with PULSE Survivor Miguel Leiva: Leiva specifically mentioned the nightclub's lack of windows and exits as being the reason why he ran into the bathroom where he remained trapped for 3 hours with the shooter. Records show that PULSE owners walled over windows that City Zoning Codes required Rosario and Barbara Poma to have. **When asked how many windows PULSE was required to have by code and per City approvals, the City of Orlando refused to answer.** PULSE had only one non-operational, non-transparent picture window with a "waterfall" feature in the reception area of the nightclub near the main entrance. This reception area was separated by an unpermitted hallway and was concealed from the nightclub's other rooms by beaded curtains. This window is how police first entered the building's south side at 2:10 AM—more than eight minutes after the shooting began.

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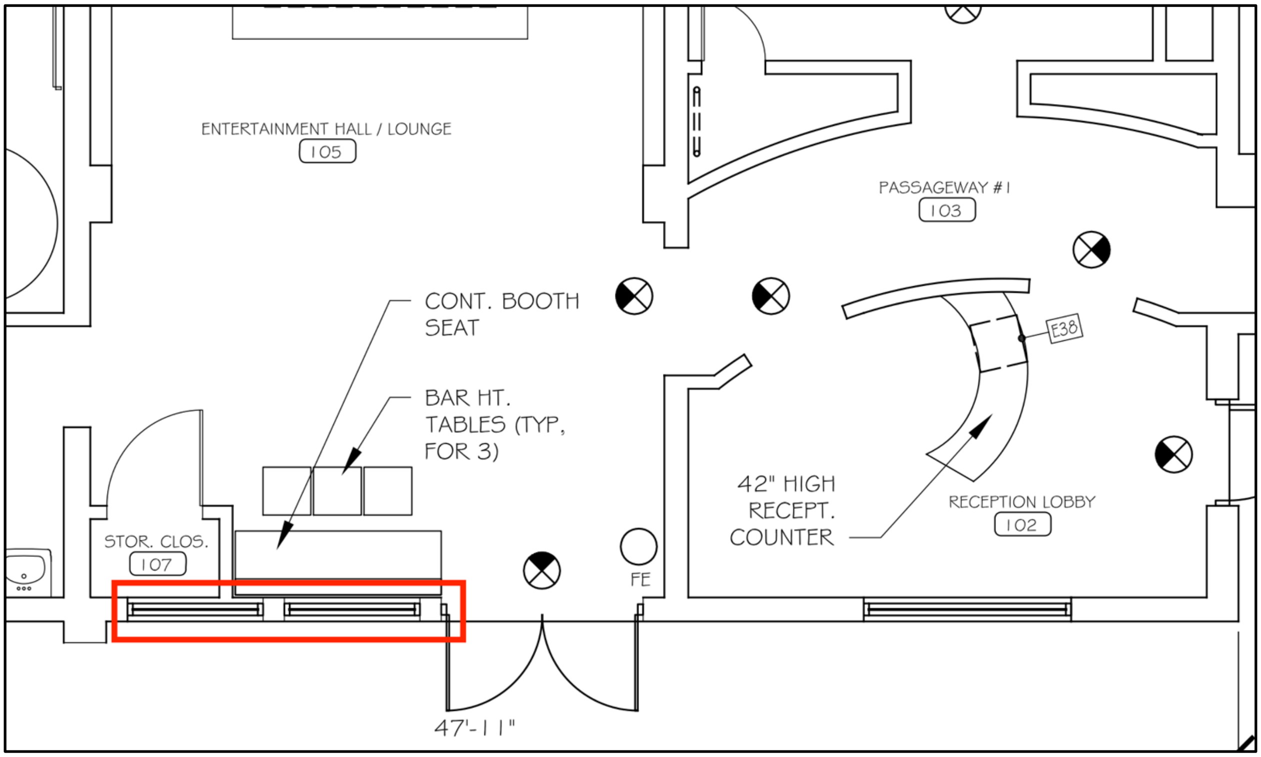
[202] "PULSE survivor: 'I've never heard so many gunshots in my life'," *WFTV*, June 29, 2016. https://www.wftv.com/news/pulse-shooting/pulse-survivor-ive-never-heard-so-many-gunshots-in-my-life/343229111/

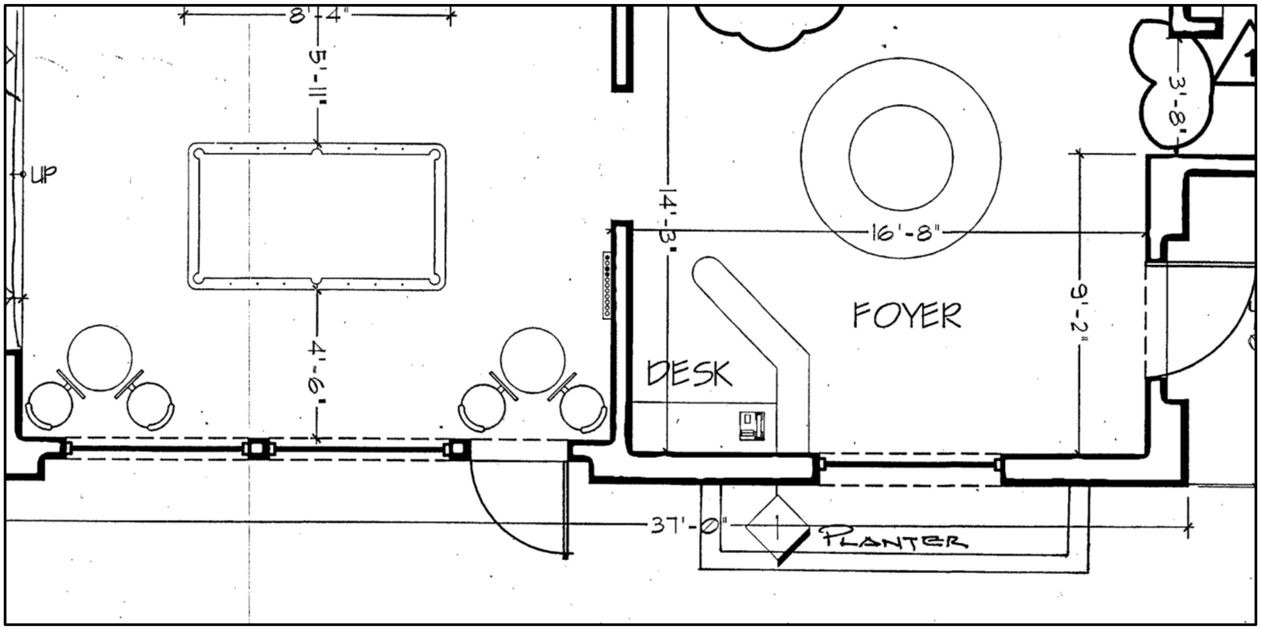
Numerous survivors have stated that because there were no windows and because the walls were painted black, it was incredibly dark inside the club, and this added to the chaos and confusion once the shooting started and people tried to flee the building. This was especially true for those who had never been to PULSE before and who were visiting from outside of Orlando. Some even ran into the bathroom thinking it was an exit or had a way to escape the building, such as through a bathroom window.

The City's records show that the two large windows that faced Orange Avenue were not the only windows that PULSE owners walled over. Additional windows are seen on the nightclub's last (2010) building plans that did not exist on the night of the shooting. These building plans show two large windows next to the building's South exit doors that emptied out into the parking lot near valet and a fenced-in outdoor storage area, as shown below:



Two Additional Windows That Did Not Exist: The portion of PULSE's 2010 building plans (bottom left) that shows two large windows where none existed on PULSE's Southwest side.

We can compare these 2010 building plans with those that were submitted to the City's Permitting Division as part of building permit BLD2003-08240—drafted on May 24, 2004, and filed in the City's official system. When we do this, the earlier plans *also* show windows to the west of the double-door exit. Furthermore, the latest plans show the extent of the unpermitted changes made to the nightclub's foyer, as well as an unpermitted closet and restaurant-style seating that did not exist. On the night of June 12, 2016, a stripper stage was located where a tables and seating are pictured.



PULSE's Last Recorded Building Plans Also Show Additional Windows: The relevant portion of PULSE's last building plans submitted with building permit BLD2003-08240 also show windows on the building's South Side.

Given their location, it is undeniable that these windows would have helped law enforcement see inside the building during the active-shooter response. A small team of responding officers positioned themselves outside these opened double doors precisely because this provided a direct line of sight to the hallway that led to the bathroom where the gunman was hiding with trapped victims.

Given that windows are transparent and provide visibility to the exterior, their presence could have also offered occupants—like Miguel Leiva—the visual cues they looked for to orient toward an exit. In their absence, survivors inside the Adonis Room were left in a dark, windowless space, confused and disoriented during the emergency.

The City has already tried to publicly argue that zoning code transparency requirements exist for urban design purposes—to animate street life, prevent blank facades, and maintain the visual character of commercial corridors—and therefore have no bearing on life safety. This argument cannot survive scrutiny. Window transparency requirements serve design goals and safety goals simultaneously, and those purposes cannot be cleanly separated.

Windows are how the outside world sees in. They are one of the ways first responders could assess what is happening inside a building. They are how people trapped inside signal for help. They are how natural light orients disoriented occupants in a darkened space.

What replaced the walled over windows was a solid exterior that gave no indication — from the street, from the parking lot, from the unpermitted patio, from anywhere—of what was happening inside. On the night of June 12, 2016, that opacity had consequences that no zoning ordinance was designed to prevent, but that every transparency requirement set by zoning laws incidentally guards against.

Because there were no required windows, victims could not bust through windows to escape, like they have in other mass shootings like at Virginia Tech and the Borderline Bar and Grill dance hall shooting in Thousand Oaks where the windows were the difference between life and death.

A code violation is a code violation.

Zoning codes, building codes, and fire codes exist within the same legal framework and serve the same ultimate public interest—the safety and welfare of the people who occupy and pass through buildings. The hierarchy that places fire codes above building and zoning codes in a conversation about life safety is a post-hoc construction designed to minimize liability. PULSE was out of compliance with all three. The City of Orlando was responsible for enforcing all three. It enforced none of them.

Furthermore, NFPA 101 imposes no window requirement on assembly occupancies because the code assumes that functional exits will do the work—that continuous, properly labeled, unobstructed paths to a public way will be available at all times. Windows are not the safety system. Exits are.

The zoning code required windows. The fire code required true exits that met specific national standards and clear paths to safety. PULSE failed to provide both.

As previously established, PULSE's exits were not exits. They were doors to fenced enclosures, a blocked doorway, a single undersized residential door with no panic hardware and no exit sign, clustered on the same side of the building thirty feet apart in violation of every applicable separation standard. The entire weight of life safety for everyone inside PULSE rested on inadequate egress. And the building that contained those doors had no windows. No transparency.

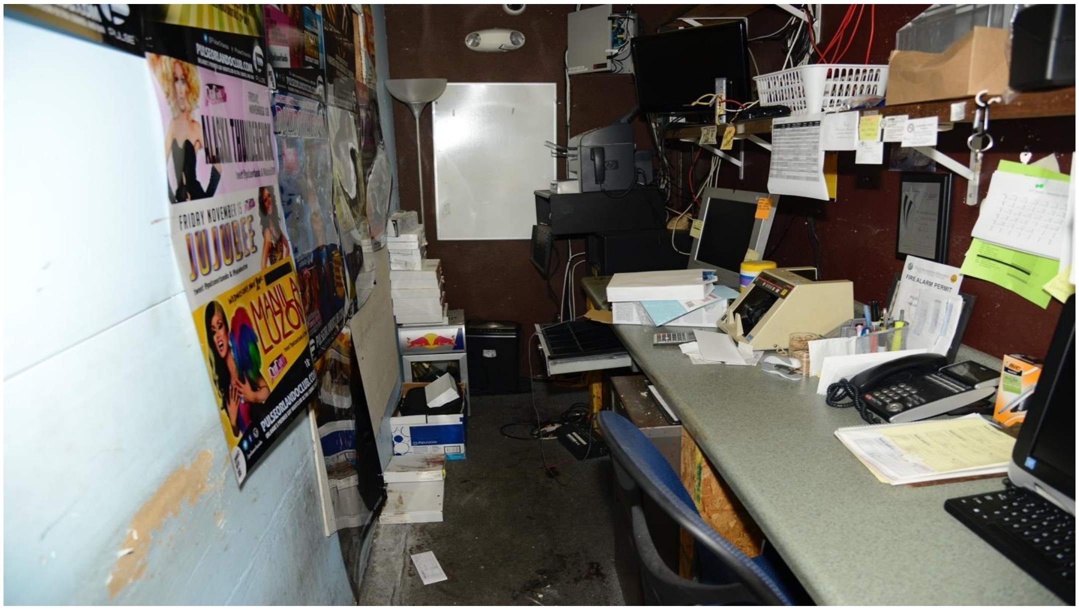
Had there ever been a proper criminal investigation done into these issues, law enforcement agencies would have worked to collect additional evidence rather than relying on our report, which was informed by evidence we collected, compiled, and made publicly available. The OPD, in their 2023-2024 "investigation," chose not to conduct interviews with survivors with lines of questioning that would extrapolate these harrowing stories and even refused to interview some survivors at all because they were outside of the City, state, and/or country.

OPD investigators also made the decision not to review the evidence we collected and published in more recent years outside of our report, *They Knew* (2020). That is why we are making this information available to the public in a more comprehensive format.

The Trap of PULSE's Unpermitted, Second-Floor Offices

During the shooting, six victims/survivors were trapped in a second floor "attic" office and storage space inside PULSE.[203] They could not be located by law enforcement for over 30 minutes and were only discovered because one of the survivors in the office was on the phone with 911 and another survivor trapped in a storage room below told SWAT that people were upstairs.[204]

Two of the six people trapped in this unpermitted office were shot (one in the leg and the other in the abdomen). They were stuck and bleeding with no way out. As they feared for their own lives, their entrapment forced them to listen to the carnage being carried out below.



Unpermitted Second Floor Office at PULSE: Photo _SRM0103.JPG that shows the unpermitted, second-floor office where six shooting victims/survivors had to squeeze in and hide to escape the shooting below. Survivors who climbed up the metal ladder into the "attic" believed it led to a way out through the roof. There was no rooftop or second-floor exit.

PULSE survivor, **Javier Nava**, sought escape after being shot and was unable to find or access an easy way out. So, he ran toward the bar and into the storage room behind it, where others ran. He then climbed up the metal ladder, in excruciating pain after being shot in the abdomen, thinking he could escape through the roof. But there were no rooftop exits or access, which police searched for.[205] He did not know that this was an unpermitted second level that PULSE's 2003-2004 building plans show was supposed to only provide access to speakers. This was not a legally-permitted second floor.

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[203] "Nightclub massacre survivors huddled in attic to stay alive," Natalie O'Neil and Joe Tacopino, *New York Post*, June 12, 2016, https://nypost.com/2016/06/12/nightclub-massacre-survivors-huddled-in-attic-to-stay-alive/.

[204] CNN interview with PULSE survivors, https://fb.watch/xXVZ0tUdKQ/.

[205] "A survivor of PULSE, he's still not far away," David Harris, *Orlando Sentinel*, December 10, 2016, https://www.orlandosentinel.com/2016/12/10/a-survivor-of-pulse-hes-still-not-far-away/.

PULSE Survivor Javier Nava: Shot in the abdomen, four of Javier's friends were murdered at PULSE. Attempting to escape through the roof, he found himself trapped and wounded in one of PULSE's unpermitted offices. (*Source: Orlando Sentinel*).

As these six victims/survivors remained trapped in PULSE's second-floor unpermitted office, law enforcement's CHASE helicopter circled the building and looked for roof-top access. The pilot can even be heard saying, "I'm looking around and I don't see any kind of rooftop access." During this time, Nava talked to a 911 operator and put pressure on his wound while hiding in the office, being further traumatized as he had to listen to the gunshots below, not being able to see what was happening.[206]

With no rooftop access or second-floor exit, these survivors could not escape and remained trapped in PULSE's "attic" for 33 minutes until they could be located and extracted by responding officers. These officers had to crawl up the same metal ladder to get to them. Injured and bleeding, survivors also had to climb back down this ladder before they were escorted across the dance floor, walked over bodies, and led out the east patio. The shooter was holed up in the north-west bathroom with other trapped victims/survivors on the other side of the nightclub.

This "extraction" was caught on a police body cam in footage made public only as part of Exhibit 100 in *United States of America v. Noor Zahi Salman* (2018), nearly two years after the shooting.

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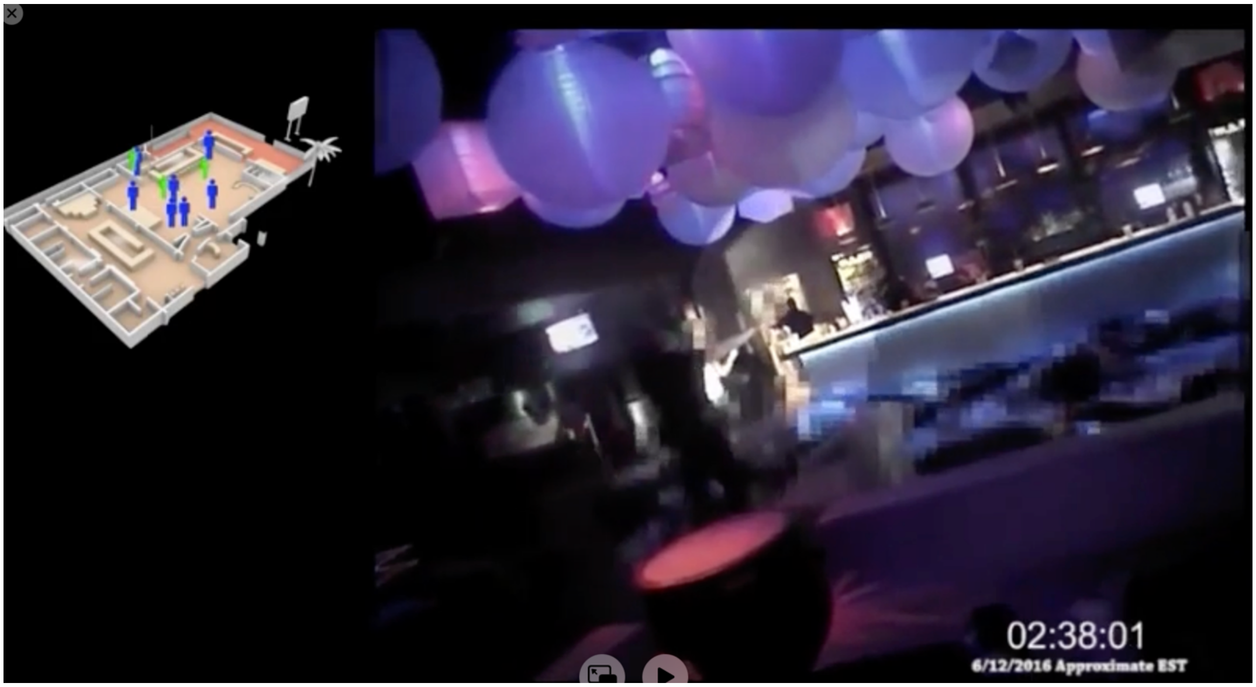
[206] Nava's conversations with 911 are documented in the OPD's Progress Incident Report and 9-1-1 transcripts. City of Orlando. Can be accessed easier on the PULSE Families and Survivors for Justice website, here: https://www.pulsefamilies.com/post/the-second-floor-offices-trapped-shooting-victims-were-unpermitted.



Screenshot of Exhibit 100 from *United States of America v. Noor Zahi Salman* (2018): Documents the extraction of the victims/survivors from PULSE's unpermitted second-floor offices at 2:38:01—36 minutes after the shooting began.

Yvena Carrenard was also trapped in the unpermitted upstairs office, hiding under a desk, and further traumatized by having to listen to gunshots and screams, too.

He told **ABC News**, "I was one of the last people out. We were upstairs under a computer desk… and it keeps replaying. I hear everything."[207]

In another interview with CNN, he explained how he got upstairs. He stated:

> *I just happened to lean against the wall. And then when the shots started, I don't know if it's because of, you know, the cities that I've lived in or what I've been through, but I knew they were shots. I didn't need six shots. Like, I heard the first two and I turned around and I ran. My natural reaction was just to run away, but I went behind me and it happened to be a little storage room. And um, I honestly was scared because I kind of ran into a dead end. I thought I was stuck. And, um, as that's happening, people are running in behind me… the room we were in was illuminated so I was kind of scared that he had seen the light, and I didn't want him to walk in there just, you know, corner us all... so we ended up seeing a ladder in the corner and then we climbed up the ladder and went into the office… it was a ladder like through the ceiling of the room… we were in the office under the desk for like 30 minutes… I was on the phone with dispatch… It was really terrifying because as we were exiting the door [as SWAT extracted*

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[207] "Nightclub Massacre: Eyewitnesses Recount Horror of Shooting," *ABC News*, June 13, 2016, https://abcnews.go.com/GMA/video/nightclub-massacre-eyewitness-recount-horror-shooting-39807678.

> *them] there were bodies everywhere.*[208]

The entrapment and the delay in rescue created by PULSE's unpermitted second floor is documented on police body camera footage, which shows a number of police resources focused on trying to navigate these portions of the unpermitted nightclub—in the middle of the shooting response.

Below, you can see a number of officers standing on the dance floor with their guns trained on unpermitted second-floor spaces during the PULSE response, as other officers who climbed upstairs search the space and others remain in the reception area. This was valuable time and energy wasted on exploring areas that were never permitted and, therefore, were not built legally and should have never existed.

Stills Captured from Police Body Cameras: These screenshots were taken from footage released by the Orange County Sheriff's Office. These heavily redacted clips were released in November 2016 and officers were not named in the original release.

While the absence of the unpermitted second floor on PULSE's building plans failed to catch the attention of investigators, this fact did catch the eye of local, well-known conspiracy theorist, Wolfgang Halbig.[209] Halbig unknowingly used the Poma's illegal renovations and the City's failure to enforce compliance to falsely claim that the lack of a second floor was "proof" that the shooting was staged and faked.

In an email sent to Frank Billingsley (former Chief of Staff to the Mayor) on November 1, 2016, Halbig wrote, "Please listen carefully as you watch an Orlando Police Officers [sic] Body Cam which if you start at 2:35 in the video will clearly show you the FRAUD unless you are so ignorant that you just cannot see it. There is NO UPSTAIRS IN THE PULSE NIGHT CLUB."

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[208] CNN interview with PULSE survivors, https://fb.watch/xXVZ0tUdKQ/.

[209] "A Notorious Sandy Hook Tormentor is Arrested in Florida," Elizabeth Williamson, *New York Times*, January 27, 2020, https://www.nytimes.com/2020/01/27/us/politics/sandy-hook-hoaxer-arrest.html.

This example illustrates the extent to which the City's cover-up—specifically its failure to disclose that PULSE's second floor was unpermitted, along with other unpermitted renovations and code violations—inflicted additional pain and suffering on victims' families and survivors that continues today through younger generations of conspiracy theorists who continue to harass victims' families and survivors online.

Again, the City's deliberate omissions directly fueled widespread conspiracy theories that families and survivors are still forced to confront to this day. This is why transparency and accountability are so important.

Despite the Office of the Mayor's repeated claims that there were no issues at PULSE, as early as June 19, 2016,[210] Mayanne Downs' via her private GrayRobinson law firm email circulated an internal list of known violations at the building.[211] Again, this "Permitting Timeline" **was a document created in preparation for "imminent civil or criminal litigation."[212]**

It's important to note that Mayor Dyer, 67, and Ms. Downs, 69, have been friends since they were in law school.[213] Furthermore, in a City where its elected officials do not have term limits, they have been running the City for nearly two decades—Dyer elected in 2003 and Downs appointed in 2007.

As a result of the City's lies and suppression of the facts, survivors and victims' families continue to receive threatening emails, social media harassment, and accusations of being liars and crisis actors. City officials have shown no remorse, and, in 2026, Commissioner Shan Rose even joined in on the harassment by sending harassing emails to survivors from her private email addresses in response to an official email sent to her City email address.

Disgruntled because she was exposed for her whistleblower allegation that the Office of the Mayor ordered the City's backup server wiped to conceal PULSE permitting records, she tried to anonymously call survivors in our group "dumb" and "traitors." Her attempt at anonymity failed because she used email accounts on her iPhone that are known to be connected to her and were verifiably linked to her using metadata and the City's own records.[214] She also used the City Hall's IP address when sending the emails. A complaint has yet to be filed with the Florida Board of Ethics, where former Orange County Commissioner Linda Stewart sits after her own questionably unethical behavior in connection with GrayRobinson law firm that Mayanne Downs once presided over.

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[210] Email, Kyle A. Shephard to himself. June 19, 2016, 9:51 PM, Subject: Draft. Attachment: Permitting timeline.docx. City of Orlando.

[211] Email, Kyle Shephard to Mayanne Downs. June 23, 2016, 4:20 PM. Subject: Permitting/code enforcement/planning/fire timeline. Attachment: Permitting Timeline 2.docx. City of Orlando.

[212] Appendix M.

[213] https://www.floridabar.org/the-florida-bar-journal/mayanne-downs-president-of-the-florida-bar/

[214] Request No. Request 26-7421.

The City's failure to disclose PULSE's second-floor offices were unpermitted is yet another direct example that allows the public to see the extent to which the City's cover up caused additional pain and suffering to PULSE victims/survivors.

City officials have shown zero remorse, acknowledgement, or understanding of the extent of the harm and damage they have caused by concealing the facts surrounding PULSE's unpermitted renovations and code violations. Again, survivors are still subject to threatening emails, social media posts, and various forms of misinformation from people accusing them of being crisis actors.[215] Specific instances could have been avoided had the City disclosed the facts it knew and had documented. This is also in addition to the revictimization and harm inflicted by the City's nearly decade-long refusal to address the documented facts.

Furthermore, by ignoring PULSE's second floor altogether, the City of Orlando was also able to ignore the documented and photographed code violations that existed there.

For example, a mezzanine for speaker access is noted on some of PULSE's older building plan drafts from 2003-2004, to be accessed by a folding stairway typically used for attic access. There is no indication of a permitted DJ booth, offices, or additional storage rooms, however, there is a handwritten note on an amended building plan stating that a railing was required by code to be placed around the ladder opening. As the City's own photos show, the required safety railing did not exist at the time of the shooting.

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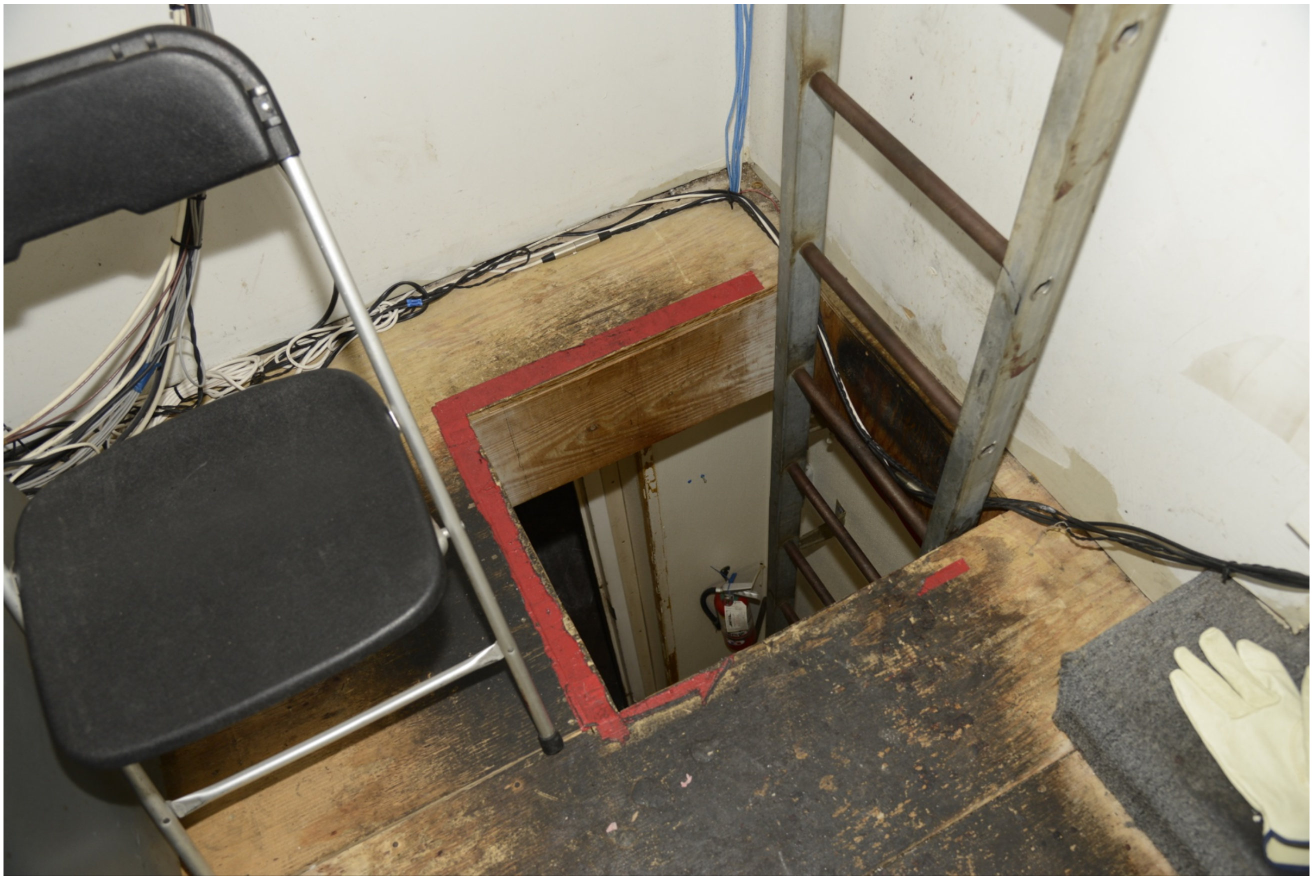
[215] "'It was emotionally painful,' PULSE survivor says stop calling shooting victims 'crisis actors'," Lauren Seabrook, WFTV, https://www.wftv.com/news/local/it-was-emotionally-painful-pulse-survivor-says-stop-calling-shooting-victims-crisis-actors/705977671/; "After Orlando Shooting, 'False Flag' and 'Crisis Actor' Conspiracy Theories Surface," Christopher Mele, New York Times, June 28, 2016, https://www.nytimes.com/2016/06/29/us/after-orlando-shooting-false-flag-and-crisis-actor-conspiracy-theories-surface.html.; "Says a crisis actor played the part of a shooting victim and the mothers of shooting victims in Las Vegas, Orlando, and Thousand Oaks," Clara O'Rourke, PolitiFact (Poynter Institute), August 14, 2019, https://www.politifact.com/factchecks/2019/aug/14/viral-image/no-same-woman-didnt-pretend-be-shooting-victim-and/.



City's Post-Shooting Photos Document Obvious Code Violations: In addition to showing wiring that was loosely routed, zip-tied, and affixed to walls and surfaces in a manner inconsistent with code-compliant installation practices, photos like _SRM0097.JPG show that the requiring safety railing was never installed.

A total of 42 photos were taken by the City of Orlando of PULSE Nightclub's unpermitted second floor, with many of the photos focusing on glaring code issues, seemingly unrelated to the shooting or damage caused by gunfire. The content of these photographs suggest that the City was actively documenting PULSE's regulatory and structural violations, even though it failed to pursue investigating them and called off a planned building inspection by the Fire Marshal to formally document these violations in writing.

To paint a clear picture for those who had never been inside PULSE, the second floor was accessible only by a metal ladder (with no railing, as required by code). This ladder extended from a storage room behind the bar in the main dance room and led up onto a wooden platform that overlooked the dancefloor where the DJ would spin music and watch the crowd dancing below.

In the years of inspections done by the City, there are no photographs of PULSE's second floor from either Code Enforcement, the Permitting Division, or the OFD. Despite numerous attempts to obtain such records through public records requests, there are zero records that show City inspectors ever inspected PULSE's second floor. The only photos that exist of the unpermitted second-floor spaces are those that were taken after the shooting.

The absence of any documented inspection or photographic record of the second floor over 12 years reflects a breakdown in both City oversight and owner responsibility to ensure compliance with applicable building and life-safety codes.

Immediately after the shooting, Barbara and Rosario Poma were in talks with the City of Orlando to purchase the PULSE Nightclub property from them for a public memorial. The City eventually agreed to pay $2.25M for the parcel, knowing this price was far more than what the property was worth. To justify the cost, which would have been paid by taxpayers, an appraisal was done.[216] The appraisal used the unpermitted second-floor offices to inflate the value of the property, as downtown office buildings were used as comparable properties. This is explored further later in this report and appears to be an attempt to defraud Orlando taxpayers.

It is also worth repeating, during PULSE's entire history, the City never issued PULSE a citation to enforce compliance—despite meeting with Rosario Poma and having a multi-page documented record of unresolved compliance issues.[217]

This means PULSE's fire code and life safety violations were never documented through the City's official procedural paperwork. Instead, the record of these violations exists in communications between City officials and in photographs—portraying the disturbing method that the City handled issues with the PULSE and the Pomas

Thus, again, the City's inspection reports, while informative, are not a reliable source of accurate information due to their pattern of errors and omissions—a fact we have substantiated throughout this report. The same holds true for the public statements released by the City, many of which we have exposed throughout this report as being lies or fundamentally misleading. This continues to be a surprising pattern, especially when it was mandated that "all communication regarding PULSE needs to be vetted through the City Attorney's Office."[218]

The facts we have compiled here are documented in photographs taken concurrently with inspections, photographs taken by both the City and independent third parties, video recordings, and interviews with shooting witnesses that can be corroborated with other sources of evidence. This kind of investigation should take precedence over any of the exit checks and fire inspection reports written by City fire inspectors, which contain proven inaccuracies and mistakes and misrepresent the true, verifiable conditions at PULSE.

For example, in the remarks section of the OFD's inspection report of PULSE from January 28, 2016, states, “no changes in floor plans.”[219] We know this was not factual and that OFD should have known this because the only floor plans the Department had on file at the time was PULSE’s 2003/2004 building plans. The building plans show an entirely different layout of both the interior and exterior of PULSE that can be easily determined by even an untrained eye.

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[216] Appendix N.

[217] Appendix D.

[218] Email, Charles Howard (Fire Safety Plans Examiner, Fire Safety Inspector I, Permitting Services), June 21, 2016, "Inquiries regarding PULSE Night club," City of Orlando. Journalist Noah Pransky, when requesting records, stated that

On the 2016 Exit Check performed by OFD inspector **Manuel Cintron**, he checked the box stating, “Exit Door or Hardware Inoperable,” although the City would later deny this in response to the public scrutiny it faced after the shooting. While the Inspection was signed by Manuel Cintron, OFD’s “Occupancy Activity Report” for PULSE shows that the violation was found by **Brian Hardiman**.[220]

The report also noted the life safety violation that fire extinguishers were not mounted. The unmounted fire extinguishers were also noted previously in the Exit Check conducted years earlier on November 18, 2011. This suggests that the issue was never remedied and just went unnoticed by OFD inspectors between 2011-2016, as why would PULSE mount them and then again unmount its fire extinguishers, just to be told to mount them again?

Furthermore, photos of the kitchenette with a blocked exit released in March 2025 show an unmounted fire extinguisher on the ground, along with multiple other tanks, showing that this is yet another life safety violation that was never corrected.[221] **The failure to correct a basic and well-documented life-safety violation is consistent with—and helps explain—the documented pattern of additional code violations being left unaddressed.** This also serves as additional evidence supporting a pattern of conduct that may be characterized as reckless disregard for human life.

Furthermore, PULSE’s 2016 Exit Check indicates that the occupancy load of the bar is 430 (this has a handwritten check mark by it) and the occupancy load for the “TEMP CLUB” was 300, which records indicate was calculated on March 11, 2015, although the City has failed to produce an occupancy load calculation worksheet for this. There is no documentation showing how these occupancy loads were calculated. On the OFD exit check conducted on November 18, 2011, the inspector circled the 430 number and wrote, “430 not sure what this is” and noted, “300 posted front entrance.”

OFD’s record of “Open Violations” at PULSE shows that Fire Marshal Tammy Hughes set the occupant load at 300 on April 30, 2010, until the required sprinkler system was installed, which was required in accordance with NFPA 1 and NFPA 101 and City Fire Code 24.27. OFD also stated that PULSE was required to provide an approved diagram to substantiate any increase in occupancy load per NFPA 101, 7.3.1.3.2.[222] There is no evidence that any such diagram was ever provided, showing the City also lied when it stated to the public that OFD immediately follows up with life safety code violations.

If law enforcement investigators had actually analyzed OFD’s records of exit checks and fire inspections, they would notice a few patterns. PULSE's OFD inspection record shows that different inspectors recorded different violations at PULSE on their inspection sheets. This was not necessarily the result of differences in training, experience, or personal interests, but is also dependent on the time when inspectors conducted their inspection of PULSE.

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[219] City of Orlando. Inspector: Merari Figueroa.

[220] Brian Hardiman, listing for May 21, 2016, “Doors Are inoperable.” City of Orlando.

[221] Request 25-2920. _SRM0089.JPG. City of Orlando.

[222] NFPA is an acronym for the National Fire Protection Association

This is important context for the claim made by City officials that, "When firefighters conduct checks and inspections, occupancy levels are checked every time. Recent records indicate there was not a pattern of being over capacity."[223]

For instance, we know that **Davis Odell** made it a point to inspect the PULSE building at night, when it was open for business and busy with customers. This allowed him to check on the issues that concerned him most, like ensuring the business complied with occupancy requirements and that it was operating in accordance with life safety codes while it was fully occupied. This is why he is the only fire inspector to document in multiple inspections that PULSE needed to maintain occupancy at all times, using a hand-held clicker.[224] By going to PULSE when it was at its busiest, he was able to observe that PULSE employees were not tracking occupancy and if PULSE was overcapacity he was able to correct the issue while he was on site to ensure public safety—rather than completely shutting the business down.

The City's records show that not all OFD inspectors went to PULSE at the same time and many noted in their documentation that they went to PULSE when the business was closed and they were, therefore, unable to perform their walk-through and exit check or that they performed a daytime visit when no customers were in the building.[225]

Thus, these daytime inspectors looking at a nightclub would not have noted the same occupancy load violations and PULSE's failure to keep count, because the business was empty and customers were not entering and leaving the establishment.

The absence of documented violations cannot reasonably be interpreted as proof that PULSE was compliant with the law or free of life safety issues, as the City has claimed since 2016 and OPD suggested in its attempt to discredit the facts in their 2024 "investigative" report. The City's inference fails to account for known gaps and mistakes in inspection documentation, instances where violations visible in City records were not formally recorded, and the limited circumstances under which inspections occurred. OPD's statement that "what is not disclosed or discussed are the number of times in which PULSE was inspected, and no violations were observed" is misleading and it does not resolve these deficiencies in the underlying record and is therefore not probative of actual compliance. In other words, the absence of recorded violations, in this context, is not proof of lawful or safe conditions—but rather provides further evidence of the City's failures to properly document violations and enforce compliance.

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[223] Appendix L.

[224] The only other inspectors to note PULSE "must maintain occupancy load at all times" in OFD's exit checks was Thomas Blaha on 05/17/2007 and Derek Lennon on 1/22/2010. James Hursh, who only conducted inspections in 2004 also conducted a night exit check on November 11, 2004.

[225] For examples, see *PULSE Occupancy Activity Report*, OFD, Date Assigned: 11/17/2014, James Hursh, "Completed during daytime visit;" Date Assigned 10/35/2013 and 10/11/2013, Susanna Robbins, "Unable to Inspect;" and Date Assigned 10/17/2012, Thomas Blaha, "Closed at time of day time exit check." City of Orlando; Date Assigned: 11/17/2009, Sylvia White, "No exit ck done this month;" Date Assigned: 10/17/2009, Robert Dzambo, "Unable to Inspect – Per Company Survey – CLOSED;" Date Assigned 10/17/2008, Thomas Blaha, "No Contact 11-24-08, Walk Thru 12-08-08;" Date Assigned 07/20/2007, Thomas Blaha, "Unable to Inspect;" Date Assigned 10/27/2006, Kevin Mohr, "3 attempts made no answer on premisis [*sic*] or by phone."

Again, with no citations ever given to PULSE regarding its known, otherwise documented, and visibly obvious violations—the fence, the beaded curtains, the second-floor offices, hindrances to egress, and so on—the absence of these violations from fire inspectors' reports does not mean they did not exist. Rather, it only indicates that these violations were not formally documented in writing by inspectors, even though they were sometimes documented in photographs. Photographs, however, were infrequently taken by City inspectors and were limited in scope.

The OPD's 2024 investigative conclusion that PULSE had 82% "total compliance" is ludicrous, when we know the City's exit checks and fire inspections omitted the facts. In fact, there is zero evidence of PULSE ever having "total compliance" with building, zoning, and fire codes, despite the results of these inspections and there is evidence that inspectors overlooked these violations consistently and over years. Even without a full building inspection, the documentary record makes clear that PULSE was not, at any point, in "total compliance" with building, zoning, and fire codes. Here, the City's law enforcement agency chose to advance a conclusion that is not supported by the City's own records, as it selectively relies on OFD inspections and disregards other City documentation.

Inspector **Thomas Blaha** documented issues primarily having to do with its floor plans and occupancy load. On his reports, Blaha noted when PULSE's occupancy load was not posted and even stated that OFD needed updated floor plans for a correct occupancy load calculation. Up-to-date building plans, of course, were never given to OFD. Blaha even noted "change in floor plan" during an exit check completed on April 24, 2010, documenting PULSE's unpermitted renovations in writing without using the language of permits and noncompliance. In another inspection, Blaha also wrote, "provide new floor plans (drawings) to the office of permitting services for occupant load evaluation." Blaha's unique concern with floor plans and updating PULSE's correct occupancy load makes sense because on January 24, 2008, he was charged with re-calculating PULSE's occupancy load "PER LTR FROM THE FIRE MARSHAL TO ALL NIGHT CLUBS. JANUARY 08."[226] As demonstrated by both Odell and Blaha, each City inspector had their own methods and individual focus when inspecting PULSE.

It must be acknowledged and stated outright that the sole reason for building permits is life safety, which is why "building permits" were an issue for the City on April 30, 2010 when inspector Thomas Blaha referred to the following Fire (life safety) code in his in Customer Consultation with PULSE: "1.3.6.3 Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform with NFPA 101, Life Safety Code, and the adopted building code of the jurisdiction."

The City's post-shooting effort to downplay the life safety implications of PULSE's documented violations by distinguishing between building, zoning, and life safety codes is misleading, as these permitting and regulatory frameworks are all fundamentally grounded in life safety and cannot be meaningfully separated from it.

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[226] *PULSE Occupancy Activity Report*, OFD, Date Assigned 01/24/2008, Thomas Blaha. City of Orlando.

It is important to note that the City's Occupancy Activity Report for PULSE also shows that an unnamed PULSE "property manager" **told OFD inspector Blaha that Timothy Johnson, then Permitting Division Manager, overrode this requirement. No justification or confirmation from Johnson is noted.** The comments made on May 12, 2010, simply state, "per Tim Johnson no new plans required at this time (per prop. Mgr. after meeting with Tim Johnson)."[227] So, a "property manager" told an OFD inspector that he didn't need new building plans, and the City just seemed to accept that as fact.

The City's acceptance of representations made by the business manager without independent verification is problematic, and this same pattern is reflected in the City's aforementioned property appraisal, which relied on Rosario Poma's inaccurate statements about the PULSE property as fact.

It cannot be stated enough that the City did nothing to require permits or a building inspection and never issued a citation. **These allowances are documented in subsequent OFD visits resulting in inspection reports that inaccurately stated, "no changes in floor plans," despite the unpermitted changes.[228]**

It is also worth noting that on June 1, 2010, the OFD received the letter from Millennium Fire and Security, Inc. informing the City of PULSE's extensive unpermitted renovations in writing.[229] It is on this date that Timothy Johnson, who previously expedited a building permit for the Pomas',[230] **noted extensive unpermitted work at PULSE that included changes made to plumbing, moved walls, a relocated bar, and the patio concrete deck.[231]**

Also, an inspection conducted by Susanna Robbins on February 13, 2015, documents "means of egress" and "extension cords" as handwritten violations. These open life safety violations were signed off on during a following visit conducted by a different OFD inspector on March 11, 2015. No photos were taken of the original violation, and photos taken on the follow up "occupancy load evaluation" did not document or specify any correction of these violations. This followed other prior exit checks, like one from July 9, 2001, conducted by **Richard Lamm**, which documented "obstructed exit or exitway." He was more precise in his documentation and also noted that "2 north side exits were blocked with tables and liquor bottles. Exits were cleared while OFD was on premises. Warned Management of need to keep exits clear in the future." These are additional violations documented in writing that illustrate a repeated lack of concern over egress shown by PULSE employees—and reflect similar issues that went uncorrected by PULSE management and owners and existed at the time of the shooting. PULSE's occupancy violations and locked gates/exits also reflected in the City's inspection reports as repeat, documented issues.[232]

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[227] *PULSE Occupancy Activity Report*, OFD, Found Date 05/12/2010, Thomas Blaha. City of Orlando.

[228] See reports from January 15, 2014 (Susanna Robbins), January 14, 2013 (Thomas Blaha), and January 9, 2012 (Thomas Blaha). City of Orlando.

[229] Letter from Chris Martin (Millennium Fire and Security, Inc) to Tammy Hughes, dated June 1, 2010, which states: **"Please note that this property has also altered the building by removing walls, moving and removing fire alarm devices… some life safety devices have been altered or removed."** Still, the City did nothing to enforce PULSE's compliance with the law.

[230] See BLD2004-05156. City of Orlando.

[231] See "1912 S. Orange Avenue – PULSE" memo (2010). City of Orlando. **An email from Jason Burton sent on June 24, 2010, states that a citation by code enforcement was given to PULSE on March 8, 2010, for building a new bar inside without permits.** However, the City of Orlando has never released a record of this citation. 5:02 PM. Subject: CUP2003-00012. City of Orlando.

Lastly, several exit checks are completely blank, with no remarks, no check marks, and only a signature. These Include the exit checks done on September 9, 2013, September 30, 2013, December 1, 2010, December 16, 2010, and November 1, 2010. These completely blank forms also bring into question the accuracy and thoroughness of OFD's exit checks and inspections.

Bottom Line: Escape Obstructed, Rescue Efforts Impeded, City Continues to Lie Despite the Evidence

We explained how PULSE's unpermitted renovations and code violations hindered escape, leading to additional wounded survivors and directly causing the death of at least two victims: (1) Luis Capo, who was trapped in the room behind the bar with other wounded survivors who were unable to move a large beverage refrigerator that was strategically placed in front of a door that led out of the building and into the illegally fenced-in patio; and (2) Jean Carlos Mendez Perez whose body laid on the unpermitted patio, surrounded by the unpermitted fence that survivors had to jump over, kick in, and knock down to escape.

This does not account for the several victims and survivors who ran into the bathrooms because they were unable to escape the building, due to the lack of exits, overcrowding, and various other documented obstructions to egress (i.e. curtains, fence, furniture, narrow unpermitted hallways, etc.). Nor does it account for victims in other areas of the nightclub who were similarly unable to escape as a result of these same obstructions and their cascading effect on evacuation.

Together, the unpermitted renovations and code violations also undeniably hindered rescue, which took over three hours in total. Police spent trying to locate victims trapped inside the various parts of the building without a proper layout to guide them, including survivors in the nightclub's dressing room.

Using multiple law enforcement timelines, these are the facts about the police's delayed rescue response in relation to the time it took to locate victims and extract them from the illegally modified structure:

2:14 AM – Law enforcement extracted 22 patrons hiding inside the southeast restroom, near the patio.

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[232] See reports from September 6, 2008 (Davis Odell), January 6, 2014 (Davis Odell), February 11, 2012, September 26, 2008,

This is **13 minutes** after shooting began.

2:21 AM - Norman Casiano-Mojica, wounded survivor, escaped out of the Southwest bathroom after police fired at least four rounds at him. **20 minutes after shooting began**.

2:25 AM – Person extracted from fenced-in area on the exterior south side of the club. This is **24 minutes** after the shooting began.

2:32 AM – **31 minutes** after the shooting began, five people were extracted from the storage room or "kitchenette" behind the main bar. They were trapped in the room, where an exit door to the unpermitted patio was blocked by a Coke-branded beverage refrigerator that was too heavy for a wounded survivor to move. When extracted, two people were wounded and had to be carried out, including Luis Omar Ocasio Capo who bled out in the room during this time and was pronounced dead at the hospital.

2:35 AM – **34 minutes** after the shooting began. Six people were extracted from the unpermitted, second-floor office. This second floor did not exist in Pulse's floor plans.

2:48 AM – Shooting became a bomb threat and a terrorist attack. Before this moment, law enforcement had no information to suggest terrorism or the potential presence of explosives. This was **47 minutes** after the shooting began and caused responding officers to change the course of their already-stalled response.

3:06 AM - Angel Santiago, shot and trapped in the Southwest bathroom, crawled out to the west bar and the south parking lot, where he was loaded into a pickup truck and taken to the hospital. This was **1 hour and 5 minutes** after the shooting began.

3:42 AM – Four employees were extracted from the North dressing room. This is **1 hour and 41 minutes** after the shooting began. This dressing room does not exist in PULSE's permitted 2004 floor plans.

4:45 - 4:50 AM – Eight people extracted from a dressing room on the Northwest side of the club through a hole made in the cement block for a plug-in window air conditioner.[233] There were no windows on this entire side of the club. This was roughly **2 hours and 49 minutes** after the shooting began.

5:27 AM – All remaining individuals were extracted from the club's bathrooms. This was **3 hours and 26 minutes** after the shooting began.

This entire time, the shooter never fired, as his rifle jammed and he only had a functioning handgun. Despite two survivors exiting the Southwest bathroom, police never took the same route into that bathroom to rescue those victims/survivors who remained.[234]

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[233] See Appendix G. Pg. 15.

PULSE was not a large, complex facility like an office building or school, but a relatively small nightclub with only a few rooms and bathrooms. PULSE was formerly a small family-owned Italian restaurant. In fact, depending on whether the City of Orlando or Orange County figures are used (4,025–4,499 square feet), the nightclub was smaller than the Pomas' 4,611-square-foot, four-bedroom, four-bath home in Maitland, Florida.[235]

The delays highlighted above not only represent the time it took to rescue trapped victims/survivors, but also the time it took just to *locate* where they were in the building. This delayed timeline, coupled with police body camera footage, shows the exact role that unpermitted renovations and code violations had on locating victims/survivors and extracting them from the nightclub.

The permitted 2004 building showed open spaces, which would have been much easier for law enforcement to navigate. These floor plans contradict the City's statement that, "a wall was removed [without permits] which would have made it easier for people to move around." The fact is that more walls were added without permits and they are documented to have obstructed movement inside the club.

The narrow hallway that police did not go down to stop the shooter in the bathroom—where SWAT breached the building in the wrong place—may not have complied with required measurements and building standards. Based on available public records, the opening or doorway to that hallway has never been measured—just like the width of the narrow, illegally enclosed service alley had never been measured either.

PULSE's 2004 building plans show a vestibule that is five feet and two inches wide, with an opening that is three feet and 10 inches wide. It also shows the measurements for egress between the bar and the wall, with no stripper stages drawn in the diagram. The unpermitted 2010 building plans do not provide these details or make these distinctions.

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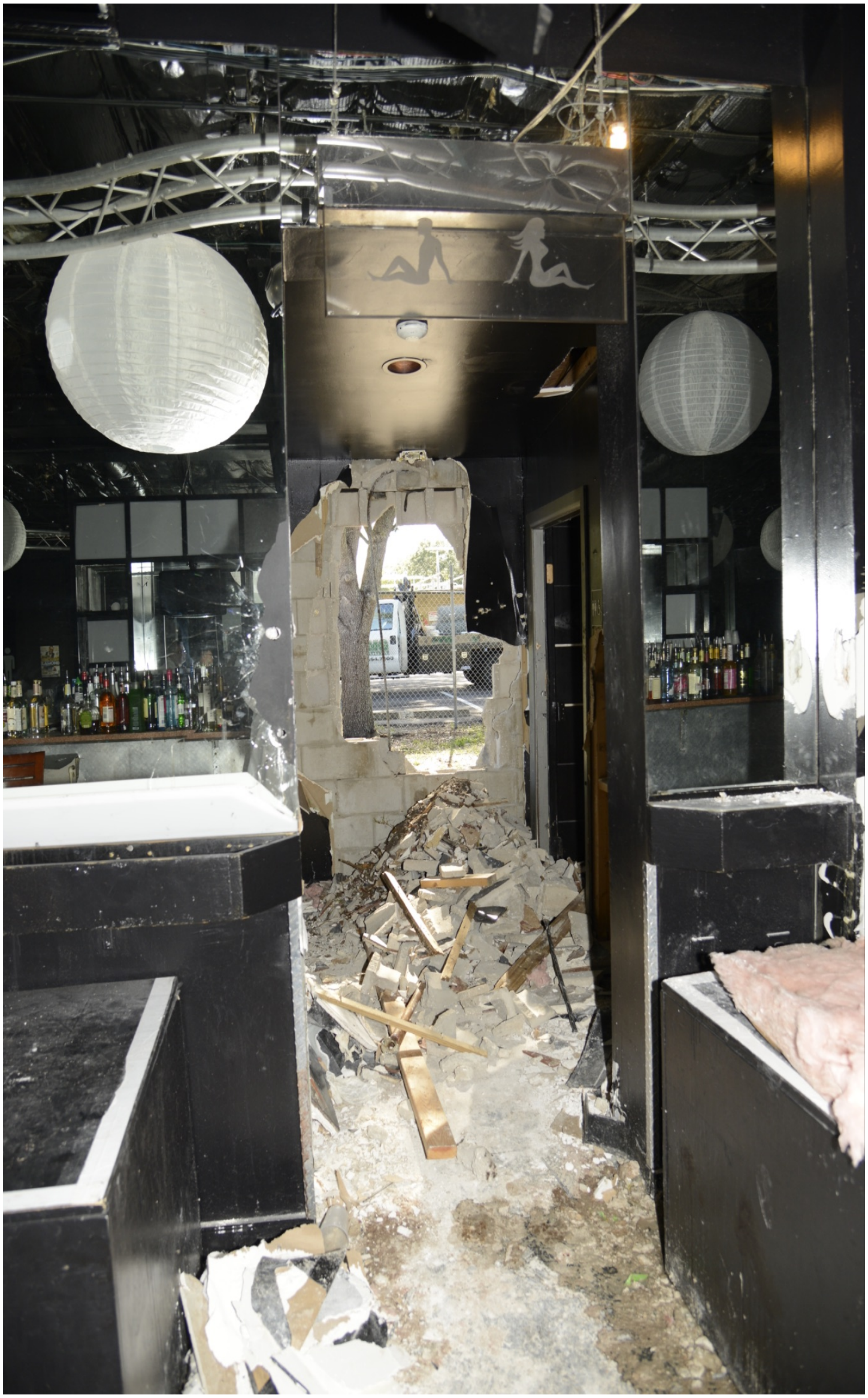
[234] For a more detailed timeline of the shooting response, visit thepulseshooting.com. See, *Control the False Narrative: Orlando Police Chief John Mina, the Department of Justice, and the Facts about the 2016 Pulse Nightclub Shooting* by Jeffrey Badger and Christine Leinonen (2026).

[235] Orange County Property Appraiser.



Narrow Hallway and Cluttered Egress to West Bathrooms: Photo _SRM0218.JPG shows the narrow space to get in and out of PULSE's West bathrooms and the surrounding stripper stages that are no visible on any of PULSE's building plans. Police would not venture into this hallway to rescue trapped victims, despite one survivor escaping the South bathroom 20 minutes after the shooting began and another escaping 1 hour and 5 minutes after the shooting began.

The City did not allow us to bring in measuring tape or take photos during our 2025 site visits. And again, the City called off a post-shooting inspection of PULSE's violations, refused to inspect the building after it purchased the property, never inspected it during the OPD's involuntary manslaughter "investigation," and would not allow us to pay for an independent building inspection prior to the 2025 site visits. Our documented efforts to obtain a building inspection of PULSE extend over several years and were consistently refused, delayed, or otherwise blocked by the City.

Thus, it cannot be determined whether this hallway and other door openings and exits complied with building or ADA standards, but both survivors and first responders talked about the problematic narrow hallways. What is evident is that the City did not seriously investigate the conditions at PULSE, despite criminal complaints from victims' families and survivors. The City's subsequent demolition of the building has ensured that those questions can no longer be definitively answered.

Instead of collecting and reviewing the facts independently, OPD investigators used the pro-police nonprofit, the Police Foundation's, timeline as evidence to improperly make the following false claim:

> *While it was alleged response efforts were hampered by the lack of building plans, the detailed analysis of the actions taken at PULSE and documented within "Rescue, Response, and Resilience – A critical incident review of the Orlando public safety response to the attack on the PULSE nightclub" conducted by the U.S. Department of Justice, Office of Community Oriented Policing Services, clearly indicates otherwise. The below timetable documents the ongoing response efforts and highlights the number of individuals rescued while law enforcement was still contending with barricaded gunmen.*

This assertion is demonstrably false, as shown by our timeline—one that largely aligns with the Police Foundation's but incorporates undisputed documented facts concerning the timeline of locating and rescuing victims/survivors. Our timeline includes information the Police Foundation omitted, which is critical to understanding the full scope of the response. Both timelines reveal that dozens of victims/survivors were neither located nor extracted from the building until after 30, 46, 100, 148, and 205 minutes after the shooting began. This is longer than any other mass shooting rescue/response in U.S. history. These delays cannot be adequately attributed to the shooter's false bomb threat or to tactical decisions that resulted in the shooter barricading himself with victims in the bathroom, particularly given established Active Shooter Protocol.

This is one of several conclusions from the OPD's involuntary manslaughter "investigation" that does not align with the full scope of the documented record. Although the timeline identifies when individuals were rescued, it fails to pinpoint the duration of those operations, including the significant and documented delays in victim extraction and the factors contributing to them. A thorough investigation would have analyzed each extraction attempt in context, including the extended delays in locating victims throughout the building, particularly in areas that had been created or altered without permits—or the rescue routes that were impeded by the unpermitted fence, hidden rooms, the lack of second-floor roof-top access, and appliances.

Furthermore, the OPD misrepresented the facts in another way that's very important to call out. The so-called "detailed analysis" it is referring to was not conducted by the U.S. Justice Department, as the OPD states, but by the pro-police nonprofit funded by the DOJ. This report should not be continually passed off by the City as an official DOJ product, when it was not conducted by the DOJ or any other official, independent, and transparent government agency.

The Police Foundation's report even comes with a front-page disclaimer that clearly states, "The opinions contained herein are those of the author(s) or contributor(s) and do not necessarily represent the official position or policies of the US Department of Justice." Even if we were to ignore the glaring conflicts of interest between the OPD, the City of Orlando, and the PULSE owners, how are we to trust the conclusions of OPD investigators who demonstrate fundamental deficiencies in reading, comprehension, and evidentiary analysis?

Furthermore, OPD investigators failed to discern the contemporaneous actions of officers that are not readily documented in The Police Foundation's incomplete narrative. These facts can only be gathered from the documented accounts of responding officers, including body cam footage and their own sworn testimonies recorded as part of the FDLE's Internal Use of Force investigation. Incorporating these facts into the Police Foundation's timeline requires work that OPD investigators failed to do.

In Section VIII (3.1) of their "investigative" report, OPD investigators dismissed a statement made by one of the City's own employees, **Tisa Mitchell**, Fiscal Manager of the Economic Development Department. She stated in her June 12, 2016, email:

> *I would like to meet early Monday morning to discuss electronic plan availability. This is due to the concern that it was reported that first responders to the PULSE tragedy did not have a layout of the building. The owner had to hand draw a layout of the building to provide the police information needed.*

The OPD's claim that "there is no evidence to support this statement" is inaccurate and reflects a recurring pattern of inadequate evidence collection, particularly where such evidence would substantiate unfavorable findings. Furthermore, supporting evidence could have been easily found within *They Knew*—our report from which the OPD extrapolated this Mitchell's email in an attempt to discredit the statement she made within it.[236]

Multiple sworn testimonies from responding officers, as well as body cam footage and police radio recordings, prove that police did not have access to building plans, looked for them on site, could not find them, relied on an employee for detailed layout information, and then hand drew the layout on a piece of paper wet with an officers' sweat. **If OPD investigators do not consider its officers' own sworn testimonies as evidence, then we ask them: What do they consider evidence?**

It is important that we go into the details here, as they expose the depravity of the City of Orlando's ongoing attempts to deny and conceal the documented facts.

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[236] See Appendix H. Pg. 134-135. Interview with Luke Austin.

This is what we know, based on this evidence, pertaining to the lack of floor plans and in relation to the deceptive findings made by the OPD in their 2024 report:

Mitchell was correct in stating that OPD did not have access to PULSE's building plans and thus did not have a layout of the building. However, Mitchell was incorrect in stating it was the owner who drew the layout of the building. It was OPD Officers Luke Austin and Timothy Stanley, two responding officers, who drew different versions of PULSE's layout. This was based on information dictated to them by a traumatized manager during the shooting response. Neither Rosario nor Barbara Poma were at the scene during the shooting. Barbara was not even in the country, as she was enjoying a vacation in Mexico.

Officer Austin's account is also documented in OPD's Supplemental Reports, where he states:

> *Once I was at the command post, I was able to ascertain that one of the people worked at PULSE and knew the layout of the building. Also, they knew their friend was located in the female bathroom. This same individual (NOI) was able to provide a diagram of the interior of the club and was able to pinpoint exactly where the female bathroom was in terms of the door ways [sic] and large dance floor [redaction]. I drew the map of the interior of the club and provided this to Captain Canty (10046) and the staff inside the command post.*[237]

We do not know what the redacted portion of this report states and have asked for this report without redactions.[238] However, the City has refused to release these and other documents without redaction in response to multiple prior requests.[239]

While outside of the PULSE building, Officer Stanley drew the layout on a piece of paper, wet from his own sweat, as he was also given information about PULSE's layout from the unnamed manager—not by the owner. Again, we published an excerpt of his sworn testimony in our report *They Knew*, which OPD investigators ignored completely in their analysis.

Officer Stanley also mistakenly identified the manager as the owner, when he described his experience trying to find the eight victims trapped in the northwest dressing room, just above the bathroom and navigate the building without a layout. Thus, it is not surprising that Mitchell also assumed the manager was the owner.

Stanley described how he searched for, and then hand-drew, the building's layout:

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[237] Appendix F.

[238] Request 25-3241. City of Orlando.

[239] See Requests 23-9129 and 24-13705. In the latter, the City of Orlando Record Department cited the following for their refusal to un-redact: F.S. 119.071(2)(d) - Information revealing surveillance techniques or procedures or personnel is exempt; F.S. 119.071(4)(c) - Information revealing undercover personnel of any criminal justice agency is exempt; and F.S. 119.071(2)(p) - A photograph that depicts or records the killing of a victim of mass violence is confidential and exempt.

> *…I was asking where the owner of the place was cause when I was running through the building, I was looking for a fire plan, escape plan, which I couldn't find, like to give us a layout... So, then I had to run over this way, got the owner, met with him. We're coming back, um, and he's on the phone the whole time. We get back here and I bring him… pretty much this view right here. Right here and I'm having him explain the rooms, what's where in the back of the building. How… how it's laid out. I had a just a… a wet piece of paper, cause I was sweating, trying to draw this layout. And then, finally I was like, "who are you on the phone with; you need to listen to me." And he said his employee. I said, "well you can talk to your employee later." And he said, "well they're inside," "give me the phone." So, he gave me the phone, I'm talking to this guy. Um, his name is Michael. Um, so Michael says, "I heard you when you came inside." Um, you know, thank God that was me that went through that door cause all of a sudden, I'm like, cause he said, you… you just left here. I heard you, whatever their names were say whoever.*

He did this as people were still trapped inside the building and responding officers had no idea where they were, during what law enforcement has defined as a "barricaded hostage" situation.

Since these eight survivors were not extracted until 4:45-4:50 AM, **for over two hours responding officers did not have an understanding of the building's layout; were having trouble navigating the building; spent time looking for a layout, gathering information about the layout, and hand-drawing layouts; and were not able to locate people trapped in the building until 2 hour and 44 minutes into the shooting response.**

Despite OPD's false claim that **"there is no evidence," the evidence is actually overwhelming.**[240]

The FDLE Investigation states on page 12, "Sergeant [redacted] joined the rotation where they covered the interior hallway of the nightclub from the outside of the building. **Sergeant [redacted] held that position until he started assisting Officer Timothy Stanley with identifying the layout of the nightclub." So, figuring out the layout of the nightclub, without building plans, was actually a time-consuming, multi-officer endeavor lasting hours into the law enforcement response.** At one point, even Det. Adam Gruler started to give officers layout information based on what he knew from being employed by the Pomas and working at the club.

The FDLE investigation also provides additional sworn interviews that show the impact that not having a layout of PULSE, including no fire or escape plans posted inside the building, had on responding officers. Lt. Scott Smith stated in his interview:

> *Um, never been to the club before. You know, you know like I mean I know the address and everything and you know we've had fights and stuff out there before or whatever typical nightclub stuff. Um, but I don't… I didn't really know the layout of it. I didn't it… I wasn't ever really sure where the main entrance was like you know, where patrons go to stand in line. Cause I know they have that front portion patio and everything. But I… I wasn't really aware of that. I*

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[240] Appendix A.

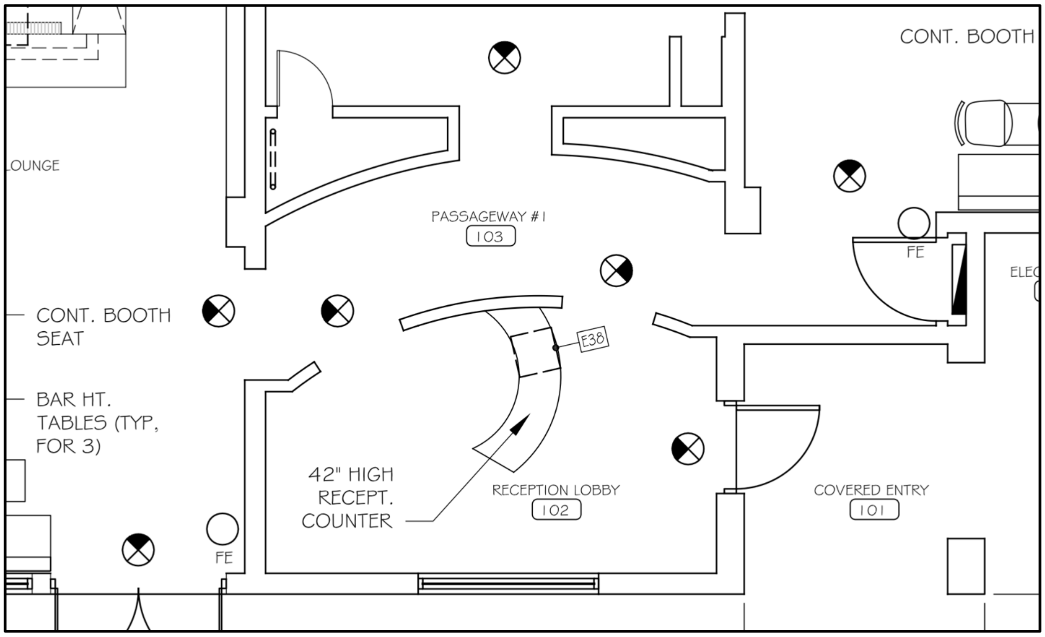
> *just started coming to this um, L-shape in the building there which turns out to be the main patron entrance. You know when they come to pay or whatever.*

Lt. Smith was one of the first officers on the scene who wanted to follow Active Shooter Protocol,[241] but was uncertain of how to even go into the PULSE building when he arrived precisely because of its unpermitted, fenced-in patio.

Once Smith entered the building by breaking PULSE's only window, he stated:

> *We didn't make it all the way into here… we were still trying to figure out, "this way or this way…" And you know, we're trying to figure out the layout too because it was so confusing and dark in there… You know it's darker in here than anywhere else. This was lit up, but it's up with like dance lights and stuff… this wasn't as like bright and neonish as the dance floor, but it's still dimly lit inside.*

Smith was describing the hallway the Pomas constructed without permits that connected the foyer where he entered with the main dance floor and bar. It is confusing because it appears like there are more rooms than there are because the hallway has five doorways. Two going into the foyer that were covered with metal beaded curtains, one going into the dance floor, one going into the main bar and VIP area, and one going into the Adonis Room.



PULSE's Unpermitted Hallway: This portion of PULSE's unpermitted and most recent 2010 building plans shows the window where Lt. Scott Smith entered the building, into the Reception Lobby, and the dimly lit hallway that both divides and connects the bar's distinct spaces. The two doorways connecting the hallway to the "Reception Lobby" or "Foyer" were where the metal beaded curtains were hanging, further limiting light and visibility.

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[241] Lt. Scott Smith is the first person to tell Det. Adam Gruler on the radio at 2:04 AM, as the gunman was still shooting, "If he is still shooting and there are people in there, you need to go contact them."

A Sergeant whose name was redacted stated in his FDLE interview:

> *…I kind of rotated in and out to cover uh, we were covering that hallway from the outside from behind the Bearcat. Um, did some running around with um, Officer Stanley and we had the… the owner of the club trying to get a better layout of where these… what these rooms were that we were looking at. How many rooms there were on the far, uh, west side of the building and where hostages and where people were still holding in these rooms trying to determine a plan where we could get in there to get these people out.*

This Sergeant's statements also confirm that multiple people were trying to get a layout of PULSE so that they could rescue victims/survivors, again hours into the response.

When FDLE Special Agent Afonso Williams showed him the layout of PULSE that they were using during investigative interviews conducted after the shooting, this Sergeant responded by saying, "This is my first time actually getting to see a full layout of it so… so hopefully this will help me piece together some stuff too." The Sergeant also described how he took position near the nightclub's double doors on the South side of the building to "try to determine where people were, just still try to get a better layout and continue with the plan to get the victims/survivors out."[242]

In addition to all of these sworn statements from responding OPD officers, there are also numerous radio transmissions referring to the manager on scene who was providing information about the building's layout to responding officers, which are recorded on both police body camera footage and through police radio recordings. **Thus, Mitchell's emailed statement that officers had no layout of the building during the response is a verified fact.**

The email sent by Mitchell is particularly concerning because it shows **that top-level City officials in the Office of the Mayor had knowledge there was no layout for first responders on the night of the shooting** and were having these conversations behind-the-scenes, but no one with the City ever disclosed any of this to the public. **The City never even released the FDLE investigation after it was completed,** which is a treasure trove of information, on its PULSE Tragedy Public Records website along with all the other PULSE records—despite having it in its possession. We only knew to get it because it was mentioned in reporting by Tess Sheets in the *Orlando Sentinel*.[243] **The fact that it was never reported until 2024— when *WESH 2* published their own investigation based on our fact-based allegations—that responding officers were looking for, and could not obtain, a layout of PULSE raises serious questions about whether this evidence was purposely buried.**

We are not blaming OPD for the lack of plans availability. No fire/escape plans were posted in the building. They did their best. But **the OPD's 2024 investigative report is revisionist history**. Now that this is proven, against OPD's mischaracterization of the facts, let's move on to the OPD's second false claim and misleading conclusion.

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[242] Appendix I.

[243] "PULSE Shooting Investigation: Orlando officers who fired during massacre cleared by internal probe," Tess Sheets, *Orlando Sentinel*, October 17, 2019, https://www.orlandosentinel.com/2019/10/17/pulse-shooting-investigation-orlando-officers-who-fired-during-massacre-cleared-by-internal-probe//

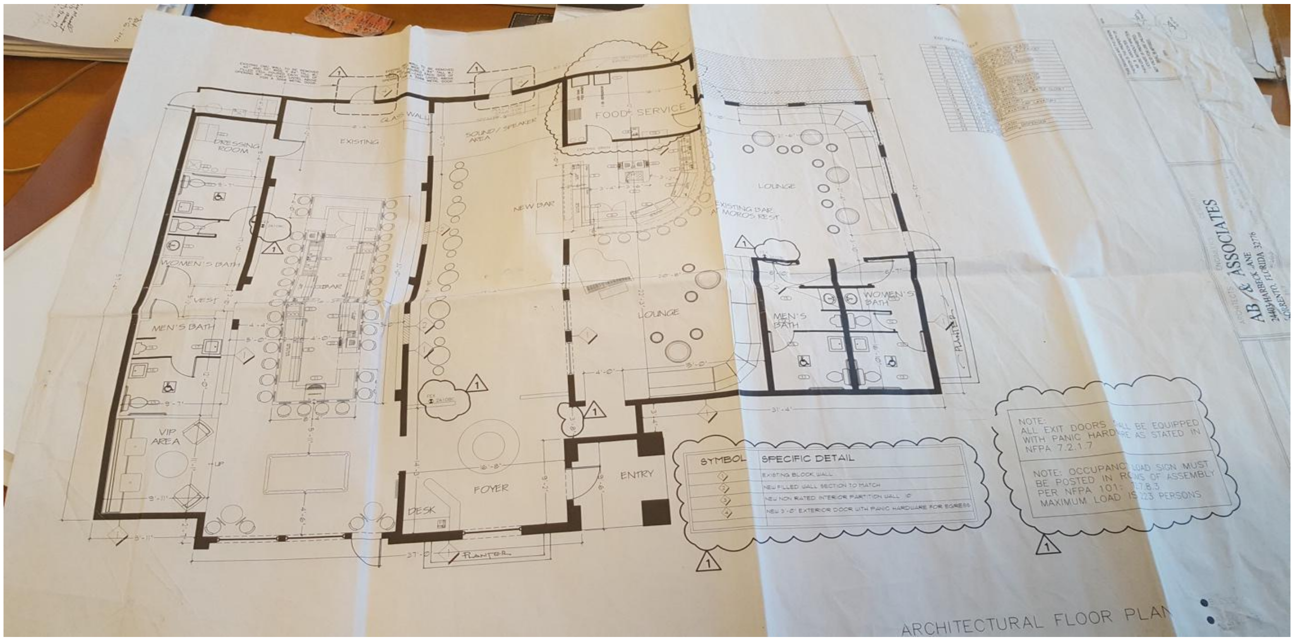
We pointed out in our 2020 report, *They Knew*, that acquiring floor plans from government records is a Standard Practice for SWAT teams responding to hostage situations and other critical incidents and had been for years prior to the PULSE massacre. We referenced a 2008 report published by the National Tactical Officers Association—not an article, which is what the OPD dismissively called it—in addition to multiple other resources reiterating the same fact.

In response to this, OPD investigators stated, "While OPD maintains and has immediate access to floor plans of schools, hospitals, various churches, hospitals, malls, and public venues, what is not maintained and not immediately available are floor plans of each and every bar, nightclub, restaurant, or other commercial establishment located in the City of Orlando." In the 10-years after the PULSE shooting, OPD still has not worked with the Permitting Division to develop a database of all buildings and businesses that are open to the public. So, if this was the issue, why hasn't it been addressed by the City of Orlando in the past decade?

Furthermore, the Permitting Division is supposed to have all accurate building plans on record, so it would just be a matter of providing access to OPD. However, we know in the case of PULSE, that the building plans one file were outdated and did not reflect numerous unpermitted renovations. Thus, it is irrelevant that the shooting took place at 2:00 AM when no one was in the Permitting Office to provide those plans to the OPD. Furthermore, through public records, we learned that the OFD had a large poster-size print out of those same 2004 building plans in its possession. Even though these were outdated and didn't reflect the interior of the building because of PULSE's unpermitted renovations, they still would have undoubtedly provided first responders with at least *some* spatial context during the 3-hour+ response—as they searched for victims, tried to pinpoint the shooter, and breached PULSE's western wall twice in the wrong spot.

We know OFD had access to PULSE's 2004 building plans at the time shooting because Fire Marshal Tammy Hughes emailed a photograph of them to Fire Chief Roderick Williams at 9:06 AM on the day of the shooting, while emails show OPD and the Office the Mayor were still searching for PULSE's building plans**.** Again, these building plans did not reflect the actual layout of the nightclub. These plans were the final ones submitted to the City by Rosario Poma as part of the permitting process when he was required to remove the dance floor and put in restaurant-style seating. PULSE was only permitted to operate as a restaurant with a martini bar, not a nightclub with a dance floor, however, Poma operated it as a nightclub and the City turned a blind eye.

This illegal activity is precisely why neither OFD nor the Permitting Division's official records had accurate and up-to-date building plans of PULSE.



The Building Plans OFD Had on June 12, 2016: Photo of PULSE's outdated 2004 floor plans that show restaurant-style seating and no stage or dance floor, sent by Fire Marshal Tammy Hughes to Fire Chief Roderick Williams via email on June 12, 2016, at 9:06 AM. The Subject line was left blank. OFD had possession of PULSE's building plans.

Hughes gave no indication in any email as to whether or not she knew the plans within OFD's possession were outdated. However, at 2:56 PM, she sent a reply to a group email with the Subject Line: Re: Construction Plans, where she stated: "ofd has a layout of the building I don't think opd knows this."[244] Based on this response, one can logically assume that she did not know these plans were inaccurate and outdated, despite her prior, years-long involvement in code enforcement at PULSE.

More than six hours later, at 3:47 PM, **Timothy Johnson sent an email** to Tisa Mitchell, Cassandra Lasfer, Ruth McLemore-Price, Amy Lennaco, Mike Rhodes, Laurie Nossair, and the Records Department, **saying, "Here is the last floor plan that we were given from the owner." He attached the unpermitted building plans of PULSE that he was sent on May 20, 2010.[245]**

So that no future investigator can again deny the existence of this email, or suggest that it doesn't exist – as the OPD claimed in its 2024 report – we are including a screenshot of it below:

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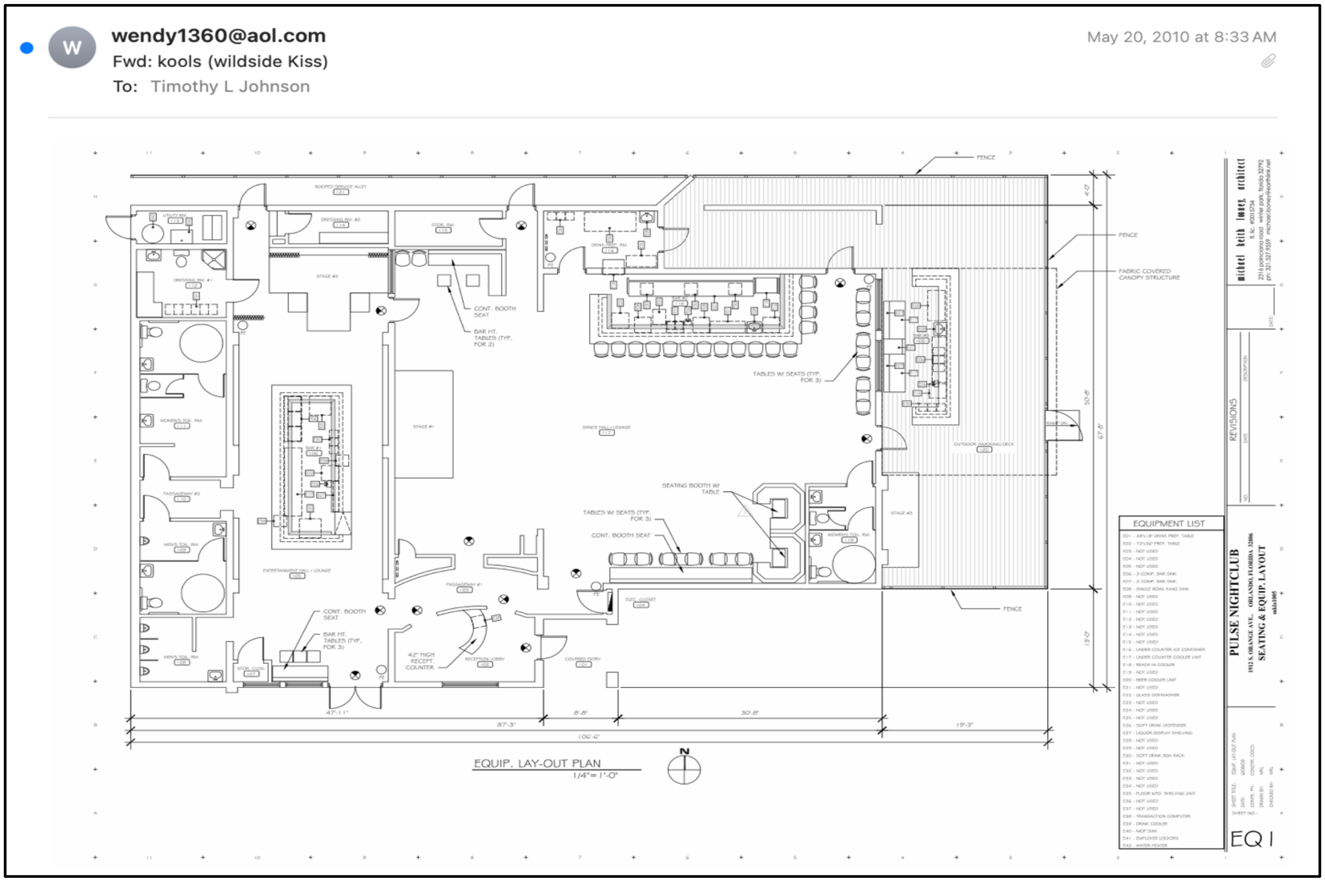
[244] City of Orlando.

[245] In their 2024 "investigative" report, OPD investigators referred to the May 20, 2010, email between Timothy Johnson and Wendy Baker (an employee of Rosario Poma), in which Baker sent the City PULSE's unpermitted building plans — the same plans the City later provided to law enforcement and the national media without disclosing they were unpermitted — as an "alleged email [that] was not produced and its authenticity has not been verified." This characterization is absurd. These emails are part of the City of Orlando's own public records and should be easily accessible to OPD investigators for independent verification. Expecting us to reproduce screenshots of every referenced email would turn our reports into thousands of pages. OPD's decision to label this email "alleged" is not only lazy and disingenuous — it's yet another deliberate attempt to discredit our thorough, fact-based investigations and shield the City from accountability.



wendy1360@aol.com

Fwd: kools (wildside Kiss)

To: Timothy L Johnson

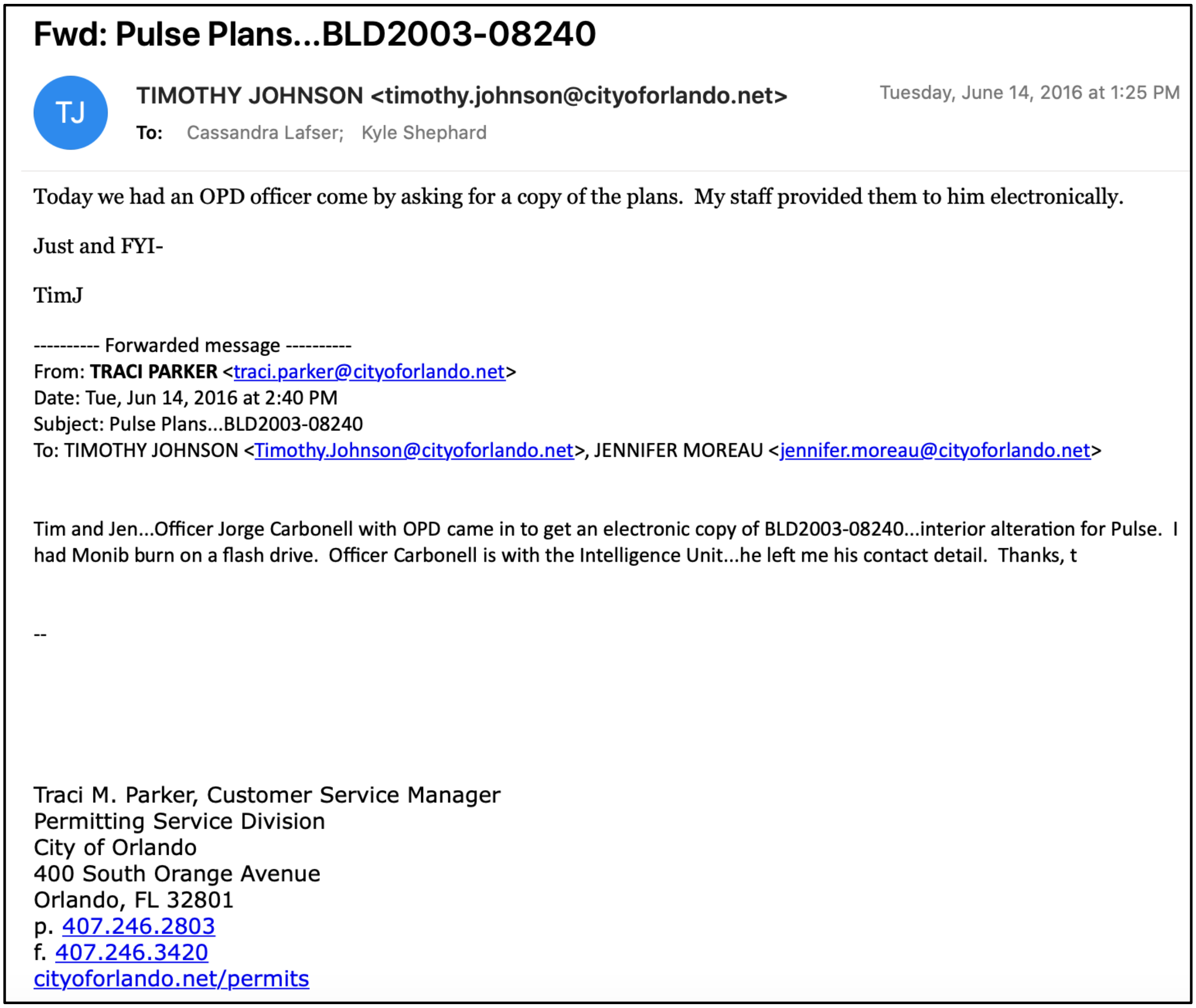
May 20, 2010 at 8:33 AM

FENCE
FABRIC COVERED CANOPY STRUCTURE
CONT. BOOTH SEAT
BAR HT. TABLES (TYP. FOR 2)
TABLES W/ SEATS (TYP. FOR 3)
SEATING BOOTH W/ TABLE
TABLES W/ SEATS (TYP. FOR 3)
CONT. BOOTH SEAT
BAR HT. TABLES (TYP. FOR 3)
42" HIGH RECEPT. COUNTER
EQUIP. LAY-OUT PLAN
1/4" = 1'-0"
N
EQUIPMENT LIST
E01 - 48"x18" DRINK PREP. TABLE
E02 - 72"x36" PREP. TABLE
E03 - NOT USED
E04 - NOT USED
E05 - NOT USED
E06 - 3 COMP. BAR SINK
E07 - 2 COMP. BAR SINK
E08 - SINGLE BOWL HAND SINK
E09 - NOT USED
E10 - NOT USED
E11 - NOT USED
E12 - NOT USED
E13 - NOT USED
E14 - NOT USED
E15 - NOT USED
E16 - UNDER COUNTER ICE CONTAINER
E17 - UNDER COUNTER COOLER UNIT
E18 - REACH-IN COOLER
E19 - NOT USED
E20 - BEER COOLER UNIT
E21 - NOT USED
E22 - GLASS DISHWASHER
E23 - NOT USED
E24 - NOT USED
E25 - NOT USED
E26 - SOFT DRINK DISPENSER
E27 - LIQUOR DISPLAY SHELVING
E28 - NOT USED
E29 - NOT USED
E30 - SOFT DRINK BOX RACK
E31 - NOT USED
E32 - NOT USED
E33 - NOT USED
E34 - NOT USED
E35 - FLOOR MTD. SHELVING UNIT
E36 - NOT USED
E37 - NOT USED
E38 - TRANSACTION COMPUTER
E39 - DRINK COOLER
E40 - MOP SINK
E41 - EMPLOYEE LOCKERS
E42 - WATER HEATER
michael keith looney, architect
fl. lic. #0015734
2316 poinciana road winter park, florida 32792
ph: 321.527.9559 michael.looney@earthlink.net
REVISIONS
PULSE NIGHTCLUB
1912 S. ORANGE AVE. ORLANDO, FLORIDA 32806
SEATING & EQUIP. LAYOUT
EQ1

PULSE's Unpermitted 2010 Building Plans: Email sent by Rosario Poma's employee, Wendy Baker, with PULSE's unpermitted building plans attached. The Subject Line of this email is: "FWD: kools (wildside Kiss)". It was sent to Timothy Johnson at 8:33 AM on May 20, 2010. The file name of the attachment is PULSE_DHR_051510_EQ1.pdf.

This key piece of information was kept from victims/survivors and the public and was only discovered through our investigative work, through which we also learned that the City gave OPD officers the outdated building plans as well.

Documented in a June 14, 2016, email, the Permitting Division passed on the old building plans to the OPD two days after the shooting—despite knowledge of the illegal interior alterations.



Fwd: Pulse Plans...BLD2003-08240

TIMOTHY JOHNSON <timothy.johnson@cityoforlando.net> Tuesday, June 14, 2016 at 1:25 PM
To: Cassandra Lafser; Kyle Shephard

Today we had an OPD officer come by asking for a copy of the plans. My staff provided them to him electronically.

Just and FYI-

TimJ

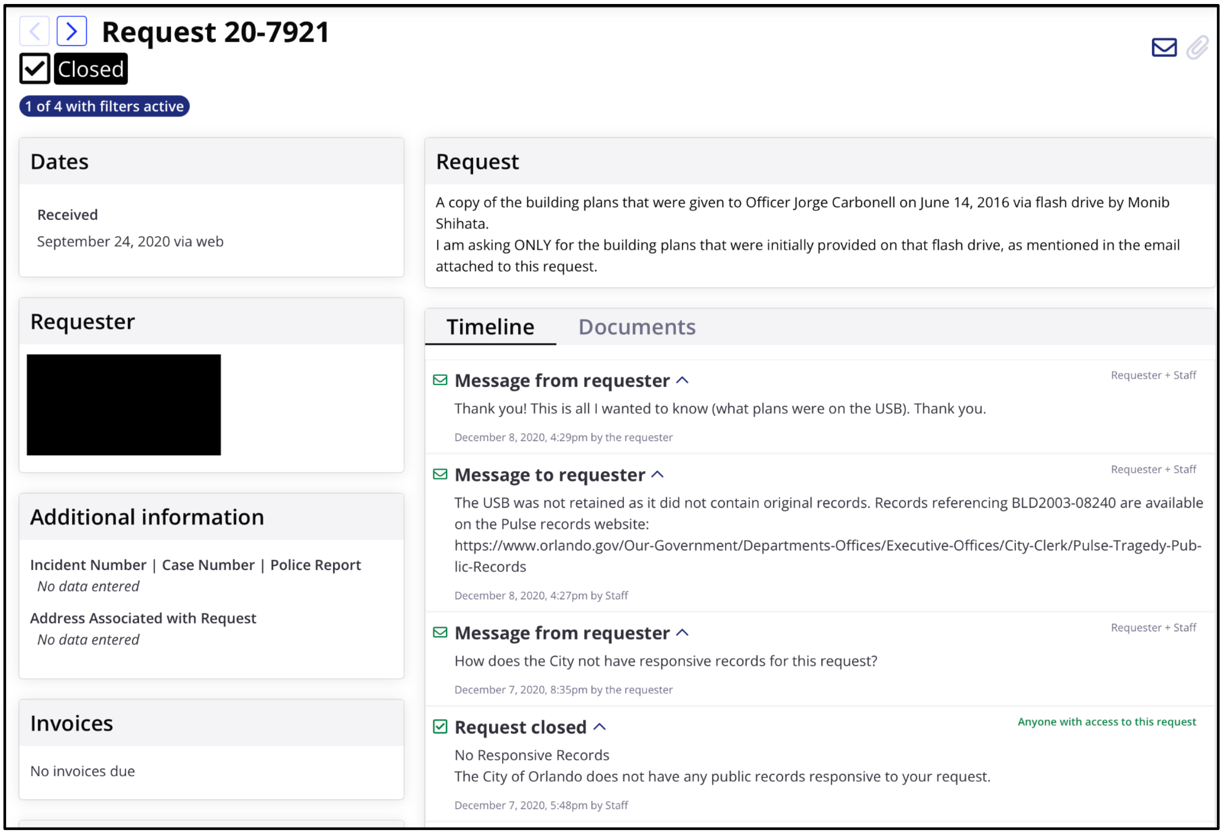
---------- Forwarded message ----------
From: **TRACI PARKER** <traci.parker@cityoforlando.net>
Date: Tue, Jun 14, 2016 at 2:40 PM
Subject: Pulse Plans...BLD2003-08240
To: TIMOTHY JOHNSON <Timothy.Johnson@cityoforlando.net>, JENNIFER MOREAU <jennifer.moreau@cityoforlando.net>

Tim and Jen...Officer Jorge Carbonell with OPD came in to get an electronic copy of BLD2003-08240...interior alteration for Pulse. I had Monib burn on a flash drive. Officer Carbonell is with the Intelligence Unit...he left me his contact detail. Thanks, t

--

Traci M. Parker, Customer Service Manager
Permitting Service Division
City of Orlando
400 South Orange Avenue
Orlando, FL 32801
p. 407.246.2803
f. 407.246.3420
cityoforlando.net/permits

Email from Timothy Johnson to PIO and Assistant City Attorney: This email documents the Permitting Division giving building plans to the OPD. It was through a public records request that we learned the plans were the old, outdated 2004 building plans that did not accurately reflect the interior of PULSE on June 12, 2016.



Request 20-7921

☑ Closed

1 of 4 with filters active

Dates

Received

September 24, 2020 via web

Requester

[redacted]

Additional information

Incident Number | Case Number | Police Report

No data entered

Address Associated with Request

No data entered

Invoices

No invoices due

Request

A copy of the building plans that were given to Officer Jorge Carbonell on June 14, 2016 via flash drive by Monib Shihata.
I am asking ONLY for the building plans that were initially provided on that flash drive, as mentioned in the email attached to this request.

Message from requester

Requester + Staff

Thank you! This is all I wanted to know (what plans were on the USB). Thank you.

December 8, 2020, 4:29pm by the requester

Message to requester

Requester + Staff

The USB was not retained as it did not contain original records. Records referencing BLD2003-08240 are available on the Pulse records website: https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records

December 8, 2020, 4:27pm by Staff

Message from requester

Requester + Staff

How does the City not have responsive records for this request?

December 7, 2020, 8:35pm by the requester

Request closed

Anyone with access to this request

No Responsive Records
The City of Orlando does not have any public records responsive to your request.

December 7, 2020, 5:48pm by Staff

Records Request 20-7921: Documenting outdated plans were, in fact, handed over to the OPD by the Permitting Division two days after the shooting.

And still the lies compile. The OPD's 2024 "investigative" report is not the first time the OPD tried to deny verified, fact-based allegations that law enforcement did not have access to a helpful layout during the shooting response. When we began shedding light on this issue in 2020 and 2021, our voices were being amplified by a few local media outlets.

Then, on June 2, 2021, OPD Deputy **James Young** appeared on television during a press conference held for the 5-year mark of the shooting.[246] Young, who was part of the 24-person OPD Crisis Negotiation Team and was once Commissioner Patty Sheehan's police liaison,[247] said that PULSE was "the longest shift of my life." He then claimed to have known "many of the victims."[248]

This raised our eyebrows, considering the global victim base and his position as a local, white cop. We also know, through our lived experience, that it is common following mass shootings for people to lie and say that they knew the victims in an effort to feign proximity to these tragedies for attention and sympathy. Whether Young knew many of the victims or not, this statement led us to look into a statement he made that we later determined through the City's own records was provably false: "Being familiar with the club, I began texting officers who I knew were already on scene, a layout of the club from memory of working there many years off duty."

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[246] "Orlando police reflect on 5-year remembrance of PULSE shooting," *WESH 2*, June 2, 2021, https://www.wesh.com/article/orlando-police-reflect-on-5-year-remembrance-of-pulse-shooting/36612437.

[247] Straub, Frank, Jack Cambria, Jane Castor, Ben Gorban, Brett Meade, David Waltemeyer, and Jennifer Zeunik (The Police Foundation). 2017. Rescue, Response, and Resilience: A Critical Incident Review of the Orlando Public Safety Response to the Attack on the PULSE Nightclub. Critical Response Initiative. Washington, DC: Office of Community Oriented Policing Services.

[248] Ibid. *WESH 2*.

The timing of these remarks raised suspicion of their validity because we had only recently found out that responding officers did not have access to PULSE's building plans and we were circulating that information publicly. **We also knew that no officers—in any of the hundreds of pages of interviews we read through or in any of the hours of police body cam footage we analyzed—ever mentioned Deputy James Young sending them any text messages of any kind—let alone of PULSE's layout**.

He had never made this claim in the five years prior to us exposing this fact.

So, **we asked the City of Orlando for the proof** that Young sent text messages, of any kind, to anyone on June 12, 2016. On June 10, 2021, we submitted Request 21-5779 for:

> *All text messages between Deputy Chief James Young and all officers or commanders on scene at the PULSE shooting on June 12, 2016. Please include timestamps, images, and responses. This is in regards to the layout of the nightclub.*[249]

The City's response was "No Responsive Records." There is zero evidence that Young sent fellow officers responding on the scene anything at all, let alone a hand-drawn layout of PULSE that helped responders navigate the building, located survivors, or pinpoint the shooter. **If they were sent via text, as he claimed, there would have been a record.**

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[249] City of Orlando.

on-scene and commanders
on-scene, a layout of the club
FOX35

Deputy James (Jim) Young at an OPD 5-Year PULSE Press Event: Where Young claimed to have texted officers and commanders on scene a layout of the club he created from memory. The City of Orlando failed to produce any evidence of such texts and has zero proof from any officers, including Young himself, to validate this claim.[250]

Why would Young do this? **On the one-year-mark of the massacre, Young was interviewed by *WESH 2* where he stated he was friends with the Pomas before they ever opened PULSE.[251] He also claimed to have been employed by the Pomas and to have worked at PULSE as an off-duty officer.** Thus, like Pomas' other friends and employees, he has loyalty to them. This is not the first instance where we have caught Pomas' employees lying publicly to protect them, like Neal Whittleton who told WESH 2 News that he did not have to kick in the fence—even though it is documented by surveillance footage.[252]

Furthermore, **days after he made this public statement, he appeared as a speaker at the Annual Remembrance Ceremony hosted by Barbara Poma's dissolved nonprofit, the onePULSE Foundation.[253]** It was the first and only year he spoke at this event. We called this out immediately on our widely viewed social media pages. This appearance was used as part of OPD's ongoing public relations strategy that exploits the PULSE shooting.[254]

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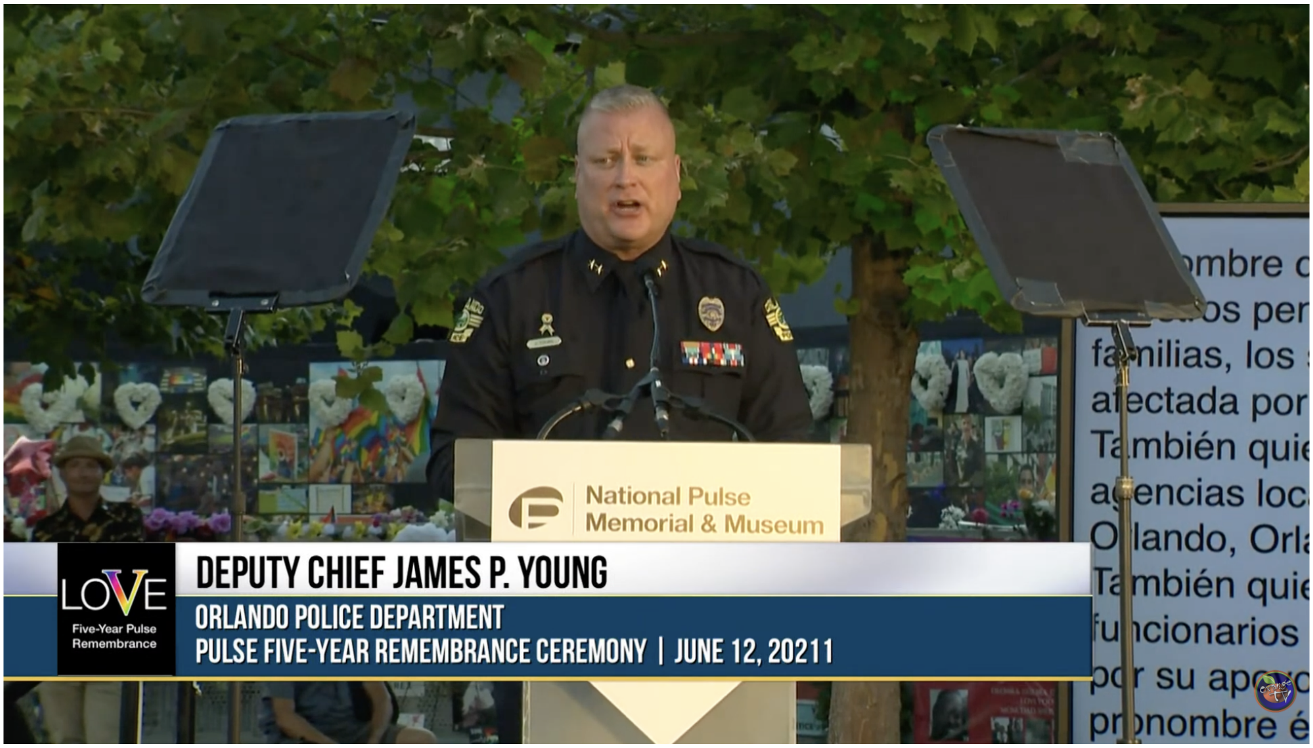
[250] "Orlando Police officers reflect on PULSE tragedy," *Fox 35 News* Orlando, June 2, 2021, https://www.youtube.com/watch?v=rkbmFAAxF7k. Also see Request 21-5779. City of Orlando.

[251] "One Year Later: Orlando Stronger," *WESH 2*, June 12, 2017, https://www.wesh.com/article/one-year-later-orlando-stronger/10014262.

[252] Appendix G.

[253] See, "PULSE 5-Year Remembrance Ceremony," *Orange TV*, Timestamp: 54:18, https://www.youtube.com/watch?v=XtqurPurIxA.

[254] "OPD joins its community in remembering the lives lost during PULSE 5 years ago," June 13, 2021, OPD, https://www.youtube.com/watch?v=z3lER9EJNTY.


National Pulse Memorial & Museum
LOVE
Five-Year Pulse Remembrance
DEPUTY CHIEF JAMES P. YOUNG
ORLANDO POLICE DEPARTMENT
PULSE FIVE-YEAR REMEMBRANCE CEREMONY | JUNE 12, 20211

Deputy Young Speaking at the onePULSE Foundation's Annual Ceremony: Fifth-year mark, June 12, 2021.

Since 2021, we have publicly alleged, based on the evidence available and the lack of evidence that supports his claim, that Young made these statements in another attempt by Barbara Poma's employees and supporters to try to discredit our fact-based allegation that responding officers did not have a layout and had to rely on information dictated to them by a traumatized employee.[255] If Young can provide proof that he texted officers and commanders who were on scene of a layout of the club, we will welcomely retract our allegation and issue a public apology. We have noticed that **since our public outrage over this incident, he retreated from speaking publicly about PULSE and retired from the police force** two years later—on August 25, 2023.

We also caught David Arnott, currently the Chief of Staff of the OPD and formerly the Public Safety Advisor to Mayor Buddy Dyer, in a conundrum and a lie through omission via emails we accessed through public records regarding the trash cans that hindered egress in PULSE's north service alley.

On July 26, 2016, weeks after the PULSE shooting and the murder of singer Christina Grimmie, a Nightclub Task Force was created between downtown club and business owners, Orlando government, police, and fire departments that was established by the Mayor and City Council.[256] This was largely another PR strategy, as OPD said they would offer Active Shooter security training to club owners and employees when they themselves did not follow their own Active Shooter training.[257] Despite The Police Foundation stating that the OPD followed Active Shooter Protocol (they didn't), we discovered in 2026 that, in fact, the OPD didn't even have a policy for an Active Shooting Protocol and continues to withhold documents pertaining to what exactly OPD officers were trained to do. From the redacted records, we can see that OPD officers were in fact trained to neutralize the threat as quickly as possible, even as a team of one.

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[255] See our YouTube videos on the subject, here: https://www.youtube.com/watch?v=_CKVQML0bnY&t=2s and https://www.youtube.com/watch?v=9YK-KRy_JgU.

[256] "Police to being offering active-shooter training for Orlando's nightclub staff," Bob Kealing, July 26, 2016, https://www.wesh.com/article/police-to-begin-offering-active-shooter-training-for-orlando-nightclub-staff/4451137; also see email from David Arnott sent to OPD PIO, July 26, 2016, at 8:52 AM, Subject: Nightclub Task Force Meeting. City of Orlando.

During this meeting, David Arnott mentioned "bar backs being vigilant to ensure that trash cans and other materials they discard while working don't clog pathways to the exit."[258] Cherney asked Arnott, "Were you speaking in generalities or referencing something specific about the PULSE evacuation?"

Instead of responding to Cherney with a straight-forward answer, Arnott sent an email to Heather Fagan and the City's PIOs. He said:

> *See email below… I didn't respond. I am not sure how you want me to handle this. I was speaking in generality as it applies to general evacuation safety. Nothing related to PULSE.*

Arnott got the greenlight to respond to Cherney from OPD PIO Michelle Guido, who said, "I think you can respond if you wish, to say that you were speaking in generalities, and I thought you made it clear when you were talking that you weren't talking specifically about PULSE. But that is just up to whether you want to respond or not."[259] Then, Heather Fagan, who was Deputy Chief of Staff at the time, intervened and said, "I think OPD PIO should respond. I don't want reporters going directly they need to [sic] follow our process."[260]

By denying any reference to PULSE's code violation that are documented by OPD photographs and that were released by the City on May 31, 2019,[261] nearly three years after this denial, Arnott was able to thwart public reporting on yet another code violation at PULSE that went unnoticed by the City of Orlando inspectors.

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[257] According to a focus group facilitated by The Police Foundation and as documented in their *Rescue, Response, Resilience* report, OPD officers were trained with Active Shooter Protocols that were (and still are) the national standard: to approach and neutralize the threat as quickly as possible, even as a solo effort. Det. Adam Gruler and the first team of officers on scene while volleys of shooting rang out, failed to do this. OPD subsequently offering active-shooter training to civilians, as if they were experts, is ludicrous, but this is how OPD and OPD Chief John Mina positioned themselves in the aftermath of PULSE—an effective PR campaign that inevitably brought Mina to Uvalde, invited by the DOJ, to evaluate the police response at the Robb Elementary School shooting. See: "Orange County Sheriff John Mina selected to aid in review of Uvalde Shooting," *WESH 2*, June 8, 2022, https://www.wesh.com/article/john-mina-uvalde-shooting-review/40233935.

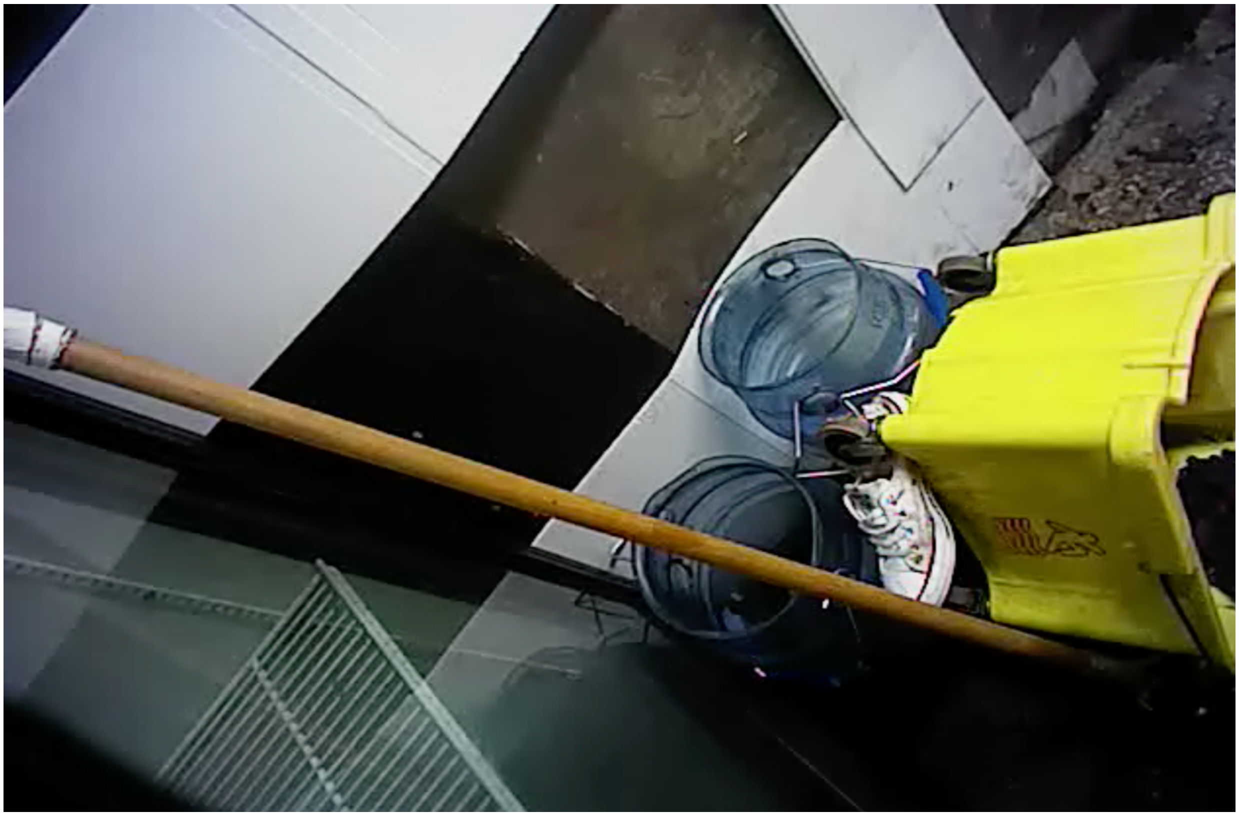
[258] Email from Elyssa Cherney to David Arnott, July 27, 2016, 9:57 AM, Subject: Fwd: Nightclubs task force. City of Orlando.

[259] Email from Michelle Guido to David Arnott, July 27, 2016, 10:01 AM, Subject: Re: Nightclubs task force. City of Orlando.

[260] Email from Heather Fagan to Arnott, July 27, 2016, 7:05 AM, Subject: Re: Nightclubs task force. City of Orlando.

[261] See Image 2.25.

Equally disturbing, City leaders, who continue to constantly claim public transparency, encouraged Arnott not to respond to journalists about this serious issue at PULSE.



Survivor's Shoe in Unpermitted Service Alley: Still from OCSO Officer Frank Tagler's body cam, showing a survivor's shoe wedged between a mop bucked, water jugs, and the Coke cooler inside PULSE's north "service alley" that was shown on PULSE's 2010 building plans to have supposed to have been an open pathway for egress.

It is worth noting that Arnott was deeply involved in the PULSE shooting behind-the-scenes, even sending floor plans of PULSE and discussing its CCTV cameras with James Woolsey, Commander of the Brevard Sheriff's Office, just days after the shooting that pointed out the nightclub's exits and security cameras.[262] It is also worth repeating that the City did not release all of the OPD's crime scene photos for years and may still be holding some back.

Instead of full transparency, the City of Orlando has subjected victims' families and survivors to a decade of scrutinizing the City's records, lies, and insufficient "investigations." The City's clearance of the Pomas through their involuntary manslaughter "investigation"—or any prior public statements—is not only illegitimate but is also suspect. We discuss this further later in this report.[263]

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[262] See emails between David Arnott and James Woolsey sent on July 14, 2016. City of Orlando.

[263] We have published many of the original documents on our websites, http://www.pulsefamilis.com and http://www.nopulsemuseum.info. These websites also have older information we published as we uncovered these issues through our community organizing, public records research, and grassroots investigative work.

Lastly, the City's continued insistence that there were "no life safety code violations" at PULSE ignores the evidence that shows precisely **how PULSE's unpermitted renovations and code violations flouted the following life safety codes as written in the Florida Fire Prevention Code, 5th Edition (2014):**

- 10.1.3 Building Code. Where a building code has been adopted, all new construction shall comply with this Code and the building code.
  - *Building codes were not followed, as can be seen with the unpermitted fence.*
- 10.4.2 No existing life safety feature shall be removed or reduced where such feature is a requirement for new construction.
  - *Exit doors were moved, modified, and/or otherwise altered during renovation.*
- 14.3.1(9)b.ii. [interstitial spaces must] contain no storage.
  - *Survivors found themselves trapped and hiding among trash and appliances after running out of the club only to find themselves trapped inside a narrow fenced in corridor was used as a storage/trash area.*
- 14.3.2 An exit enclosure shall provide a continuous protected path of travel to an exit discharge.
- 14.3.3 An exit enclosure shall not be used for any purpose that has the potential to interfere with its use as an exit and, if so designated, as an area of refuge.
- 14.4.1 General. Means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of a fire or other emergency.
- 14.4.2.4 Every door opening and every principal entrance that is required to serve as an exit shall be designed and constructed so that the path of egress travel is obvious and direct.
- 14.4.2.1 No furnishings, decorations, or other objects shall obstruct exits or their access thereto, egress therefrom, or visibility thereof.
- 14.4.2.2 No obstruction by railings, barriers, or gates shall divide the means of egress into sections appurtenant to individual rooms, apartments, or other occupied spaces.
- 14.7.4.1 The width of an exit passageway shall be sized to accommodate the aggregate required capacity of all exits that discharge through it…
- 14.10.1.2 Corridors shall provide access without passing through any intervening rooms other than corridors, lobbies, and other spaces permitted to be open to the corridor.
- 14.10.1.5 Exit access shall be arranged so that there are no dead ends in corridors.
- 14.10.2.2 Hangings or draperies shall not be places of exit doors or located so that they conceal or obscure any exit…
- 14.11.2 (2) Each level of discharge shall discharge directly outside at the finished ground level… (3) The interior exit discharge shall lead to a free and unobstructed way to the exterior of the building, and such way shall be readily visible and identifiable from the point of discharge from the exit.

The Florida Fire Prevention Code also provides specific measurements and materials for exit corridors and occupancy load, which have never been verified by City inspectors or investigators who "investigated" our fact-based allegations.

Furthermore, the Code states:

- 10.2.1 The owner, operator, or occupant shall be responsible for compliance with this Code;
- 10.2.5 The owner, operator, or occupant or any person in control of a building or premises shall keep records of all maintenance, inspections, and testing of fire protection systems, fire alarm systems, smoke control systems, emergency evacuation and relocation drills, emergency plans, emergency power, elevators, and other equipment as required by the AHJ.

And yet no law enforcement agency has ever held the PULSE owners responsible for these glaring code violations and unpermitted renovations that hindered escape and rescue, despite years of public outrage, demands, and protests. Instead, the City of Orlando's strategy has followed the same strategy as the most corrupt and exploitative health insurance companies: delay, deny, defend.[264]

The City continues to deny the provable and obvious facts. Even outsiders could tell immediately that it was likely the nightclub was loud, crowded, and had limited egress, like J. Pete Blair—Active Shooter Response expert and Executive Director of the Advanced Law Enforcement Rapid Response Training (ALERRT) Center. On the day of the shooting, before the release of any public records, he told the *New York Times*, "Without available avenues of egress, it seems like they didn't have an easy way of getting out."[265]

One of the last statements the City made in response to this evidence was when their police force released its inadequate "investigation" in 2024 to WFTV's Ashlyn Webb:

> *In regard to your inquiry on violations, all fire inspections, code enforcement and permitting records related to the building demonstrate that the PULSE facility was safe, that it met occupancy, fire and related requirements. There was no pattern of critical life-safety violations.*[266]

The key legalese word there is "pattern" which is something that New York Times reporter Frances Robles continued to question the City about in the immediate aftermath of the shooting. Furthermore, as reported by the *New York Times*, "City officials and the club owner say that the club was in compliance with building code requirements and that it is wrong to suggest that such problems led to more deaths."

Rather than allow anyone to physically document the violations, the City of Orlando blocked inspections of the building both in the immediate aftermath of the shooting and after it purchased the property. The City ignored survivor demands or offers to pay for an independent inspection. Instead, the City required victims' families and survivors to sign a waiver prior to entering the building for its 2025 site visits prior to demolition.

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[264] "Words on ammo in CEO shooting echo common phrase on insurer tactics: Delay, deny, defend," Tom Murphy, *AP*, December 5, 2024, https://apnews.com/article/unitedhealthcare-ceo-shooting-delay-deny-defend-depose-ee73ceb19f361835c654f04a3b88c50c.

[265] "Why the Orlando Shooting was So Deadly," Josh Keller, Iaryna Mykhyalyshyn, Adam Pearce and Derek Watkins, *New York Times*, June 12, 2016, https://www.nytimes.com/interactive/2016/06/12/us/why-the-orlando-shooting-was-so-deadly.html.

[266] "PULSE survivors react after investigation concludes with no criminal charges against nightclub owner," Ashlyn Webb, *WFTV*, August 28, 2024. https://www.wftv.com/news/local/pulse-survivors-react-after-investigation-concludes-with-no-criminal-charges-against-nightclub-owner/J43MMIJXUZACDHQXIQ6TXDZXHU/

In the City's most recent and comprehensive response, made in response to WESH 2's in-depth investigation published at the 5-year mark, the City stated:

> *Following the PULSE tragedy, in order to ensure transparency, the City proactively posted all public records related to PULSE on our website and they remain there today. These records, which include fire inspection, code enforcement and permitting related to the building; demonstrate that the PULSE facility was safe, that it met occupancy, exit, fire and other related requirements.*
>
> *Various provisions of Florida law have always prohibited the release of images and videos that depict the bodies of victims killed during the PULSE Tragedy.*
>
> *At all points since the PULSE tragedy, Florida law has prohibited the release of photographs or video which depict the body of any victim killed in an incident of mass violence and has provided that it is a felony for any custodian of such records to willfully and knowingly provide photos or videos depicting such bodies except as permitted in narrowly defined circumstances that are set forth in the statute.*
>
> *Certain photographs and videos were not previously posted to the City's PULSE tragedy records website because they depict bodies or large quantities of the blood of victims killed during the PULSE tragedy.*
>
> *In February 2025, a member of the public made a public records request for specific photographs that depict bodies. The requester offered to pay for the time required to perform the extensive redactions needed to release images depicting bodies or blood, which is part of a victim's body. The city did not originally release these unredacted photos in accordance with the statute and to avoid re-traumatizing the victims' families, survivors, and the broader community. As part of this public records request, the individual decided to pay for the redaction of the images, specifically to obscure blood stains and other potentially retraumatizing content.*
>
> *As far as questions addressing exits, as we've stated previously, we have no indication there were blocked exits at the time of the incident. On May 21, 2016, the Orlando Fire Department conducted an inspection which did not indicate there were blocked exits. For an establishment with the size and use of PULSE, city code would require two exits, PULSE had five exits to the outside.*
>
> *During any fire inspection, of any type, if there were issues that would prevent ingress and*

> *egress or other life safety issues, corrective action would have been taken immediately. These records demonstrate that PULSE occupancy, exit, fire and related requirements.*
>
> *PULSE did not have a pattern of life safety issues, and in fact investigations to include the independent investigation done by the FBI, did not show any meaningful violations. Nor were there any violations known to the City at the time of the shooting.*

The falsehoods in this statement are many:

- The City did not proactively "post all records related to PULSE" on its website. Many records were missing, including the City's 23-page list of violations that it made in preparation for being sued.[267] Had the City released all relevant documentation, we wouldn't have had to have made nearly 500 individual public records requests with the City of Orlando to gain access to the records that we have received and have made public.
- Images, like the blocked exit, could have been released using the principle of segregability—redacting only content that was legally exempt. The City chose wholesale withholding and did not even provide slipsheets or redaction logs that identified withheld photos, their contents, and the reason for redaction. Furthermore, the bodies of victims were removed from the building prior to the City's photographs, and those photographs do not depict victims' bodies. Police Body camera footage can again be edited in ways that redact exempt material without foreclosing transparency and accountability.
- The City did release police body cam footage showing the face and body of PULSE victim Jean Carlos Mendez Perez. The City did not face felony charges or any other penalties, despite having reviewed the footage and redacting other portions.
- The City released many photos with large quantities of blood. Blood is not a body part and is not explicitly exempt under Chapter 119. This is one of the reasons why the City is currently being sued for those photographs without the City's unlawful redactions and other records the City refuses to release. Chapter 119 mass violence exemptions are narrow. The purpose here is protecting the dignity of the dead and shielding families from graphic imagery being made public. It covers depictions of killing. That's it. Not blood stains or blood pools, which were made public from other areas of the club that did not document a blocked exit. Again, the City made no mention of the fact that this photo existed, despite being asked about it specifically for years by journalists (especially Frances Robles, from the *New York Times*, as evident in City emails spanning 2016-2023).
- How can the City state, "we have no indication there were blocked exits at the time of the incident" when it is sitting on photographic evidence of this, as well as written confirmation from the Fire Marshal (text messages from the morning of the shooting)?
- The five-exit argument is a dead one. PULSE had only two functioning, legally defined exits.
- A number of fire inspections occurred during the day, when PULSE was not open for business. An empty nightclub looks nothing like a nightclub at capacity. Many of the inspections that cleared PULSE were conducted in conditions that bore no resemblance to the conditions that

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[267] Appendix M.

killed 49 people. The fire inspections also ignored obvious and photographed violations. After the shooting, the City even claimed the last inspection that marked a door as "inoperable" was a mistake. So, the OFD's limited inspections of PULSE cannot even be trusted for accuracy.

- The fact that the City did or did not document a "pattern" of life safety violations is irrelevant, even though City records do show a pattern—especially when it comes to occupancy violations and concerns. It has already been established that the City did not enforce compliance at PULSE. Furthermore, the FBI did not investigate PULSE for code violations or unpermitted renovations and told us this when we met with them in 2025. Neither did the FDLE. In fact, no local law enforcement agency even has the evidence required to conduct a thorough investigation into these issues, as the FBI is the only agency that possesses PULSE's CCTV surveillance footage recordings.

Public Denials Do Not Absolve Documented Violations

It is important to note that we documented PULSE's unpermitted renovations and how they hindered the escape and rescue of victims/survivors extensively in our report *They Knew*, on our websites, social media pages, and through our videos published on our YouTube channel. However, OPD investigators during their 2023-2024 involuntary manslaughter "investigation" (**Case 2023-205852**) only looked at our 2020 report. They willfully ignored the evidence we collected and published since the release of *They Knew*. Again, this was not an independent investigation, and we are shocked they were not required to pass this investigation to another agency due to the glaring conflicts of interest.

Like the City of Orlando, the PULSE owners have also publicly denied our fact-based allegations through a few repetitive public statements released over the years designed to provide a culpability shield. For example, in 2023, shortly after she was kicked out of the nonprofit she started and after victims' mothers gave a press conference at Orlando City Hall, Poma stated:

> *Out of respect to those impacted by this tragedy, I have never responded to the handful of individuals who continue to spread a myriad of untruths about my husband and me, falsely blaming us for what was an unforeseeable terrorist attack. These individuals continue to speak untruthfully about us, and as always, without any knowledge or facts.*

A whistleblower who was an executive for the onePULSE Foundation told us that when we first began bringing these allegations to the public, the nonprofit's Board asked Barbara Poma directly if the allegations were true.

We were told that Poma admitted to the onePULSE Foundation Board that our allegations were true and that there were known code violations and unpermitted renovations inside the nightclub. Furthermore, the whistleblower stated that Poma said all they had to do was call City Hall for any compliance issues to disappear.

The onePULSE Foundation released a similar statement:

> *The onePULSE Foundation respects the solemnity of today for those who have lost loved ones.*
>
> *However, the claims made today about the Foundation are untrue and misinformed. The onePULSE Foundation publishes its audited financial statements and 990 on its website, a practice it has adhered to every year since its inception.*
>
> *Furthermore, the Foundation is proud to carry a Gold Seal rating in Guidestar, a rating that less than five percent of nonprofits registered with the agency hold. Guidestar evaluates the financial transparency and accountability of nonprofits worldwide.*

The onePULSE Foundation quietly dissolved at the end of 2023, in debt and owing creditors. Executives pocketed millions of dollars. Everything we said was a fact. These denials by the City, the Pomas, and the fraudulent Foundation—as well as the total lack of accountability—are exactly what forced us to bring the receipts in this report.

Chapter 3: The Pomas: Duty of Care and Foreseeability

Foreseeability and Duty of Care

The tragic events of June 12, 2016, at PULSE were, for years, falsely framed as a hate crime against the LGBTQ community. This narrative, supported by national media, nonprofits, and local public officials, was further amplified by Barbara Poma, the owner of PULSE, through her nonprofit organization, the onePULSE Foundation. The foundation adopted the slogan "We Will Not Let Hate Win," using it as a rallying cry to solicit donations. This message, while resonating deeply with many and readily echoed—particularly in the wake of the resulting national surge in support for LGBTQ rights and the ongoing fight against anti-LGBTQ violence—was based on a preconception and web of lies that were not discredited until years later.

The onePULSE Foundation perpetuated this false marketing scheme, **even after the FBI told victims that it was not a hate crime** and when details surrounding the shooting emerged during the trial of the shooter's wife, Noor Salman, making it very clear that the shooting was not motivated by anti-LGBTQ hate. The shooter had randomly selected PULSE from a Google search of nightclubs in downtown Orlando and had no specific animosity toward the LGBTQ community. The FBI never classified the shooting as a hate crime, because the facts show that the PULSE shooting was not motivated by anti-LGBTQ hate.

Despite these revelations, PULSE club co-owner Barbara Poma and the onePULSE Foundation continued to promote the "We Will Not Let Hate Win" slogan in their fundraising efforts until the nonprofit's dissolution in 2023. This marketing choice not only misled the public but also exploited the widespread belief that the tragedy was rooted in anti-LGBTQ sentiment. By continuing to present the shooting as a hate crime, Poma and the onePULSE Foundation capitalized on the fear and vulnerability of a community that had long been targeted by violence, despite knowing that the true motivations behind the shooting were rooted in anti-American, retaliatory sentiments connected to online radicalization inspired by ISIS.

The abuse of the hate crime narrative, even in the face of known contradictory evidence, speaks to the City's and Poma's awareness of the broader context of violence against the LGBTQ community. Florida, like much of the nation, has a documented ongoing history of anti-LGBTQ violence. As a gay nightclub, PULSE's customers were primarily members of this marginalized population. Poma and Mayor Buddy Dyer — who sat on the Chairman's Advisory Council of the onePULSE Foundation and refused to publicly resign after being exposed for numerous conflicts of interests— both understood that anti-LGBTQ+ violence is real. They said so, implicitly, every time they invoked the hate crime narrative to raise money, generate sympathy, or market themselves as LGBTQ+ allies. This is how they exploited this violence.

This acknowledgment is crucial in understanding the "duty of care" that the Pomas owed to their patrons and that City officials owed to their constituents. By recognizing the existence of widespread anti-LGBTQ violence without any evidence that the shooting was an anti-LGBTQ attack, Poma showed that she implicitly understood the risks faced by her patrons and the need for enhanced safety measures at

PULSE. Acknowledging routine violence against LGBTQ+ people is not an abstract position; it is an admission of foreseeability. Both the Pomas and the City made that acknowledgment. Neither acted on it. PULSE's patrons were left unprotected against the full range of threats — a shooting, an arson, any foreseeable danger — by the same parties who invoked their vulnerability for profit and political cover. Barbara Poma's continued use of the hate crime narrative raises serious questions about her awareness of these risks and whether she fulfilled her duty of care to protect her patrons from foreseeable harm.

Beyond the documented history of gun violence targeting LGBTQ+ nightclubs specifically, Barbara Poma bore a basic duty of care as a nightclub owner—one that exists regardless of who her patrons were or what kind of club she operated. As a nightclub owner, the Pomas should have been aware of the general propensity for violence at any nightclub. Nightclubs, by their very nature, are high-risk venues due to the combination of large crowds, alcohol consumption, and the potential for conflict. Additionally, by 2016, mass shootings at public venues had become tragically more frequent across the United States and a history of mass shootings at nightclubs had already been established—including mass shootings at the Stateline Bar in Oldtown, Idaho in 2003 and the Alrosa Villa nightclub, Columbus, Ohio in 2004.

The **Station Nightclub** fire in 2003 and the shootings at venues like the **Bataclan** in Paris in 2015 are stark reminders of the unique security risks associated with running such establishments. As someone managing a venue where hundreds of people regularly gathered, Poma reasonably had a responsibility to recognize these inherent risks and take adequate safety precautions to protect her patrons from the broader threats of violence common in nightlife environments, particularly mass shootings.

Prior to the PULSE shooting, Active Shooter incidents at bars, nightclubs, and other businesses were well-documented across the United States.[268] Notable shootings also occurred at nightclubs and bars specifically in Florida in the years before PULSE and include:

- A shooting in Miami at **The Spot,** a teen nightclub, which resulted in the death of 4 people on September 17, 2013, just less than three years before PULSE;[269]

- A shooting at **Grumpy's Bar** in Homestead at Grumpy's bar in June 2014, was only stopped when the shooter's rifle jammed after shooting and injuring three people.[270]

- A shooting at **Biarritz Club** in Daytona Beach on December 31, 2015, that left 2 dead and 1 injured.[271]

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[268] In 2018, the FBI compiled and published a list of Active Shooter incidents across the United States from 2000-2018 and their analysis shows the majority of shootings occurring in commerce areas (businesses), including PULSE, see: "Active Shooter Incidents: Topical One Pagers, 2000-2018," https://www.fbi.gov/file-repository/active-shooter-one-page-summaries-2000-2018.pdf/view; Also, "2000-2018 Active Shooter Incidents," https://www.fbi.gov/file-repository/active-shooter-incidents-2000-2018.pdf/view.

[269] "Nightclub shooting adds to list of South Florida Mass Shootings," *CBS News*, September 28, 2014, https://www.cbsnews.com/miami/news/nightclub-shooting-adds-to-list-of-south-florida-mass-shootings/.

[270] "New video shows 2014 shooting at Homestead Bar," *NBC Miami*, June 28, 2018, https://www.nbcmiami.com/news/local/new-video-shows-2014-shooting-at-homestead-bar/1973949/.

Furthermore, the **Gun Violence Archives**, which has tracked mass shootings across the United States since 2014, documented 17 mass shootings in Florida in 2014, with 2 occurring in Orlando; 26 mass shooting in Florida in 2015, with 3 occurring in Orlando; and 13 mass shootings occurring in Florida in 2016, prior to June 12, 2016, with 3 occurring in Orlando. The total number of mass shootings in Florida in 2016, including PULSE, was 30, with a total of seven mass shootings documented in Orlando.[272] This shows that mass shooting incidents, particularly in Florida and in Orlando, were increasing year after year.

On November 6, 2009, the City of Orlando experienced its first major mass shooting in 25 years at a downtown office building inside the Gateway Center. One person was killed, Otis Beckford, and five others were wounded. The shooter fled the scene and a city-wide manhunt led to his eventual capture at his mother's house hours later. The 17-story office building was cleared relatively quickly.

In contemporaneous reporting, Mayor Buddy Dyer talked about the City's "model response" and stated, "OPD and OFD were on the site within the first minute." Dyer also claimed, "We have invested in public safety and are ready for events of this type. You can't always stop a random event like this or plan for it, but certainly we have the resources to be able to respond when we need to respond." Nearly seven years later, we know the City was not prepared. By the time of the PULSE shooting, the City of Orlando still did not have an Active Shooter Policy, first responders lacked the proper tactical gear, and the proper communication systems were not in place.

Similarly, after reports of a shooter at UCF's library, a 5-story building, the building was cleared in roughly an hour.[273]

These incidents in the years prior to the PULSE shooting highlight that such tragedies were not unheard of and mass casualty incidents could be anticipated.[274] This ever-present threat is the same reason why we have had Active Shooter drills in our public schools since the Columbine shooting in 1999. By the time of the PULSE Nightclub shooting in 2016, mass shootings had already become a part of everyday American life.[275] Given this history, it was even more crucial for the owners of PULSE Nightclub to operate in compliance with life safety, building, and zoning codes. Any emergency incident would require proper egress, and any nightclub owner has the duty to ensure comprehensive safety measures and emergency preparedness are in place to protect their patrons.

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[271] "2 dead, 1 injured in shooting outside Daytona Beach nightclub," Stephanie Allen, *Orlando Sentinel*, December 31, 2015, https://www.orlandosentinel.com/2015/12/31/2-dead-1-injured-in-shooting-outside-daytona-beach-nightclub/.

[272] https://www.gunviolencearchive.org/reports.

[273] http://www.centralfloridafuture.com/story/news/2016/04/26/possible-gunman-reported-ucf-library/83558712/

[274] "Why the US Has the Most Mass Shootings," Jen Christensen, *CNN*, October 5, 2017, https://www.cnn.com/2015/08/27/health/u-s-most-mass-shootings/index.html; "Why America is Prone to Mass Shootings," Stephanie Pappas, *Live Science*, August 26, 2015, https://www.livescience.com/51991-why-america-is-prone-to-mass-shootings.html.

[275] "Why the U.S. Has 31% of the World's Mass Shootings," Tanya Basu, *Time Magazine*, August 24, 2015, https://time.com/4007909/gun-violence-mass-shootings/; "Running amok: Does a Culture of Entitlement Explain US Mass Shootings," Joseph Pierre, *AEON*, January 28, 2015. https://aeon.co/essays/does-a-culture-of-entitlement-explain-us-mass-shootings; "A Drumbeat of Multiple Shootings, but America Isn't Listening," Sharon LaFraniere, Daniela Porat, and Agustin Armendariz, *New York Times*, May 22, 2016, https://www.nytimes.com/2016/05/23/us/americas-overlooked-gun-

While American grade-school children have increasingly prepared for active-shooter incidents, especially in the aftermath of the Sandy Hook Elementary School shooting on December 14, 2012, the federal government also signed into law the Investigative Assistance for Violent Crimes Act of 2012 to provide federal assistance during Active Shooter incidents and mass killings in public places. After Sandy Hook and before PULSE, the **FBI also led the "Now is the Time" initiative**, specifically tasked with training law enforcement and other first responders to ensure protocols for responding to Active Shooter situations are consistent across the country.[276]

In an analysis of 84 Active Shooter events that occurred between 2000-2010 (six years before the PULSE nightclub shooting) conducted by the **Police Executive Research Forum** and published in 2014, researchers stated that most Active Shooter events analyzed did not take place at schools but rather occurred at business locations.

The prevalence of this kind of gun violence is precisely why federal government agencies have published a plethora of information for the general public about Active-Shooter situations, such as the Department of Homeland Security's "Active Shooter: How to Respond" (2008) guide. This guide states:

> *Active shooter situations are unpredictable and evolve quickly. Typically, the immediate deployment of law enforcement is required to stop the shooting and mitigate harm to victims.*
>
> *Because Active Shooter situations are often over within 10 to 15 minutes, before law enforcement arrives on the scene, individuals must be prepared both mentally and physically.*[277]

This guide also states that the first thing victims should do if faced with an active shooting is to "protect your own life," with customers likely to follow the lead of employees and managers during an Active Shooter situation. The best way of doing this is to evacuate "if there is an accessible path to escape" the premises. If evacuation is not possible, as was the case for many who were inside of PULSE, the guide states, then find a place to hide where the Active Shooter is less likely to find you.

This is exactly what victims/survivors of the PULSE shooting did. Without clear egress routes, many ran

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violence.html; "Waco, Columbine, Aurora, and Newtown: 20 years of mass shootings that changed (and didn't change) America," Jamiles Lartey and Jon Swaine, *The Guardian*, July 25, 2015, https://www.theguardian.com/us-news/2015/jul/25/mass-shootings-america-waco-columbine-charleston; "A history of mass shootings in the United States," *ABC News 7* (New York), October 2, 2015, https://abc7ny.com/a-history-of-mass-shootings-in-the-us-nashville-mad-max-columbine/1107515/.

[276] "FBI Active Shooter Resources," *FBI,* Accessed February 26, 2025, https://www.fbi.gov/how-we-can-help-you/active-shooter-safety-resources; Also, see "Now is the Time," *Obama White House Archives*, https://obamawhitehouse.archives.gov/issues/preventing-gun-violence.

[277] "Active Shooter: How to Respond," Department of Homeland Security, 2008, https://www.dhs.gov/xlibrary/assets/active_shooter_booklet.pdf.

into the window-less bathrooms in their desperation for a place to hide because they could not evacuate the premises. This was not their first choice. The shooter found these trapped victims/survivors precisely because of ineffective law enforcement engagement, as OPD Detective Adam Gruler shielded himself behind parked cars as shots rang out inside PULSE and only took pot shots at the gunman through doorways during the first critical minutes of the active shooting without entering the club as required by Active Shooter Protocol. Then, from his position outside the club, Gruler watched the shooter walk around the interior of PULSE and fire more shots into victims lying on the dance floor.

OPD Police Chief John Mina made the false claim that Gruler's initial shots caused the shooter to retreat into the bathroom. Mina stated to *CBS News*, "Because of that exchange of gunfire, that forced the suspect to retreat backwards, stop shooting and retreat backwards into the bathroom where he held some people hostage."[278] **However, the facts are** that there was no exchange of gunfire; the reason the shooter stopped killing was because his gun jammed, according to the State's Attorney's shoot review. He went into the bathroom on his own accord and records show that once the gunman was inside the bathrooms, he continued to shoot an additional 28 rounds from his handgun—killing and injuring multiple victims who were hiding in the bathroom.[279]

The State Attorney's shoot review that the gunman's semi-automatic rifle jam and subsequent loss of firepower is likely the reason why he went into the bathrooms— to take cover as he used Google and tried to unjam his gun. The gun jamming is also the reason for what police called an "extended pause" in gunfire. Yet, the shooter then continued to use his handgun to kill victims, which is not something that someone who wanted to keep hostages would have done.

What occurred at PULSE was not a hostage situation, despite local police using this designation as justification for not following Active Shooter Protocol in the first 47 minutes of the shooting. It was a mass shooting in which the shooter retreated to a bathroom after his rifle jammed, where victims were already trapped.

The PULSE shooter did not force anyone into the bathrooms; the nightclub's layout and crowded conditions did.

A hostage situation requires a perpetrator holding victims to try to compel a third party through negotiation or extortion. While the shooter demanded the U.S. stop bombing Syria and Iraq, he made no such demands concerning the trapped victims themselves.

Furthermore, he made his final phone call to police at 3:25 AM and then refused to answer the phone. That happened nearly two hours before he was neutralized This shows his intent was never hostage negotiation. OPD's mischaracterization of the mass shooting as a hostage situation—and law enforcement's decision to wait three hours before breaching—must be evaluated against that fact.

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[278] "Inside the final shootout between police and the Orlando shooter," *CBS News*, June 13, 2016, https://www.cbsnews.com/news/inside-the-final-assault-between-police-and-orlando-nightclub-shooter-omar-mateen/.

[279] This issue and a further analysis of the PULSE police response is analyzed further in the "Creating a False Narrative" section of Chapter 4 of this report.

When we ignore John Mina's media spin and defense of the OPD's actions, it is clear that Det. Adam Gruler's failure to follow Active Shooter Protocol did not save lives, but rather it stole lives. That was true with the other officers who arrived and did not enter the building for roughly eight minutes—after the shooter's rifle jammed and after the shooter went into the bathrooms. This is similar to the failed police response in Uvalde, however, police officers there were investigated and held to account. In Orlando, the City's false narrative became truth.

In addition to recognizing the general risks of nightclub violence, Barbara and Rosario Poma should have also been aware of the grave dangers associated with operating a nightclub in violation of building, zoning, and fire (life safety) codes. Compliance with these regulations is critical for ensuring the safety of patrons in emergencies, regardless of the type of emergency—whether they stem from a fire or a mass shooting. The need to escape the premises quickly is the same and is one of the main reasons why building and fire codes exist. This is also the reason why it is critically important that exit checks, fire inspections, and building inspections are done meticulously and without error, which the City of Orlando knowingly failed to do.[280]

Had we not started investigating and speaking out, the City would have been successful in continuing its cover-up and the onePULSE Foundation would have continued its grift—with the help of City officials, including Mayor Buddy Dyer.

Nightclubs, along with all other businesses, are required to maintain clear egress routes, have functional exits to the outside, and adhere to capacity limits to allow for rapid evacuation in case of an emergency. The dangers that arise during a mass shooting—where panic ensues, and patrons must flee the venue quickly—are no different from those during a fire or any other emergency. In both scenarios, the ability to exit the building efficiently is the difference between life, death, and injury.

The OPD's problematic 2024 report and defense of the Pomas relied on the blatantly false claim that the PULSE massacre was unforeseeable. This defense argument collapses under the weight of federal warnings issued months before the attack, which OPD investigators ignored as they failed to collect new evidence on their own. Following the terrorist assault on the Bataclan nightclub in Paris and the San Bernardino shooting in California, the U.S. Department of Homeland Security issued a **National Terrorism Advisory Bulletin** in **December 2015**, which warned of the exact type of attack that later unfolded at PULSE. The bulletin specifically stated:

> *We are in a new phase in the global threat environment, which has implications on the homeland. Particularly with the rise in use by terrorist groups of the Internet to inspire and recruit, we are concerned about the "self-radicalized" actor(s) who could strike with little or no notice. Recent attacks and attempted attacks internationally and in the homeland warrant*

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[280] "9 Investigates discrepancy in early report of PULSE inspection," *WFTV*, July 1, 2016, https://www.wftv.com/news/pulse-shooting/9-investigates-discrepancy-in-early-report-of-pulse-inspection/372799884/.

> *increased security, as well as increased public vigilance and awareness.*
>
> *Though we know of no intelligence that is both specific and credible at this time of a plot by terrorist organizations to attack the homeland, the reality is terrorist-inspired individuals have conducted, or attempted to conduct, attacks in the United States this year.*
>
> *DHS is especially concerned that terrorist-inspired individuals and homegrown violent extremists may be encouraged or inspired to target public events or places.*
>
> *As we saw in the recent attacks in San Bernardino and Paris, terrorists will consider a diverse and wide selection of targets for attacks.*
>
> *In the current environment, DHS is also concerned about threats and violence directed at particular communities and individuals across the country, based on perceived religion, ethnicity, or nationality.*
>
> *Expect increased security across most U.S. cities and plan ahead to anticipate delays and restricted/prohibited items.*
>
> *In populated places, be responsible for your personal safety. Make a mental note of emergency exits and locations of the nearest security personnel. Keep cell phones in your pockets instead of bags or on tables so you don't lose them during an incident. Carry emergency contact details and any special needs info with you at all times.*[281]

This bulletin, issued approximately seven months before the PULSE shooting, outlines — with alarming precision — the conditions, targets, and methods of the exact type of attack that struck PULSE. Notably, this national warning was still in effect at the time of the massacre, set to expire just four days later on June 16, 2016.

The entire nation, including businesses like PULSE and its owners, was put on notice that another attack like Bataclan was not only possible but likely. The purpose of these advisories is to ensure the general public—and especially businesses open to the public, including those that serve specific, vulnerable communities—are made fully aware of evolving threats so they can take appropriate precautions. For the OPD to now assert that "the Pomas could not have reasonably foreseen or anticipated a terrorist incident taking place at PULSE" is not only false, but grossly irresponsible and deliberately misleading.

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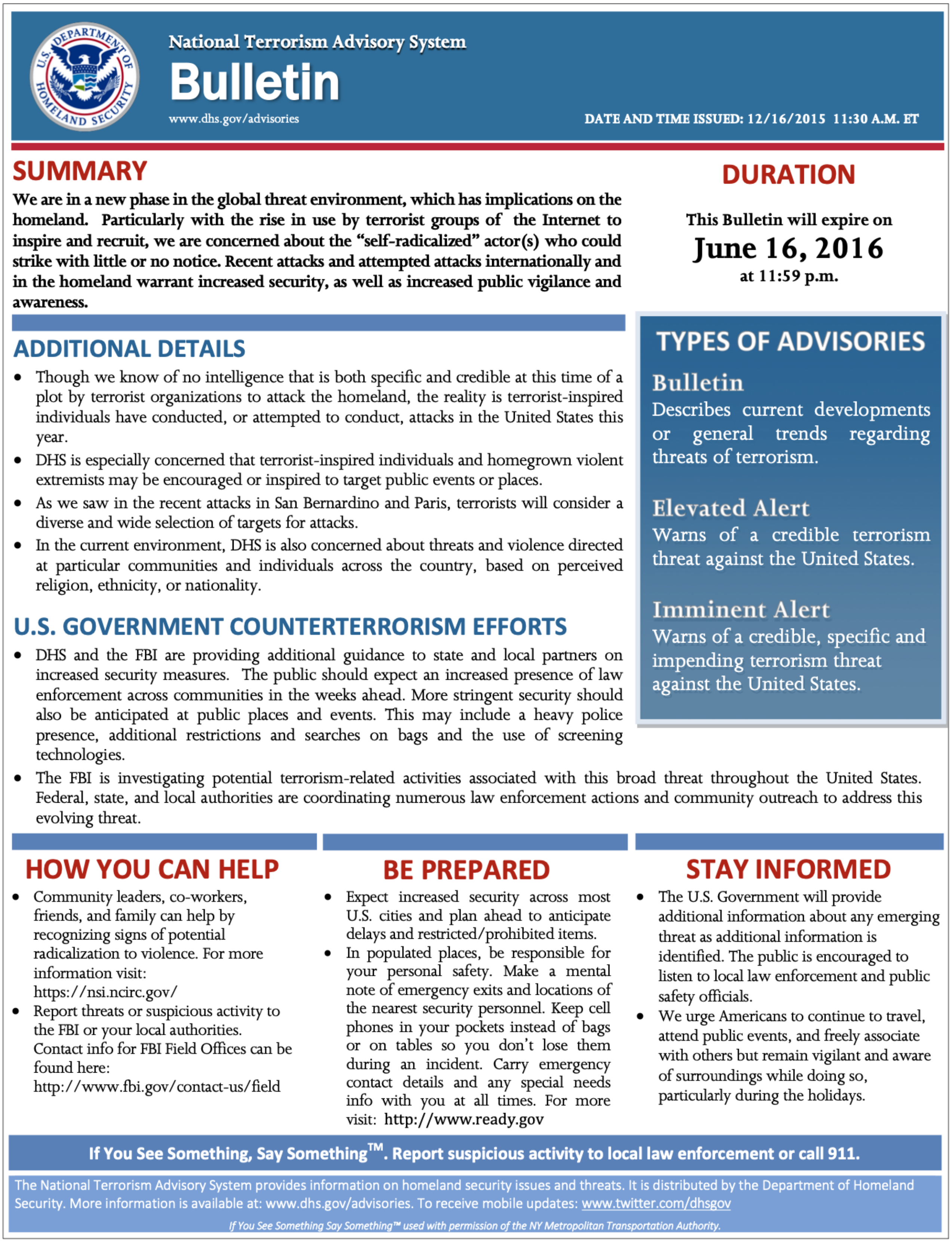
[281] Bulletin, National Terrorism Advisory System, Date and time issued: 12/16/2015 11:30 AM, US Department of Homeland Security, https://www.dhs.gov/sites/default/files/ntas/alerts/15_1216_NTAS_bulletin_0_0.pdf.



National Terrorism Advisory System

Bulletin

www.dhs.gov/advisories

DATE AND TIME ISSUED: 12/16/2015 11:30 A.M. ET

SUMMARY

We are in a new phase in the global threat environment, which has implications on the homeland. Particularly with the rise in use by terrorist groups of the Internet to inspire and recruit, we are concerned about the "self-radicalized" actor(s) who could strike with little or no notice. Recent attacks and attempted attacks internationally and in the homeland warrant increased security, as well as increased public vigilance and awareness.

DURATION

This Bulletin will expire on

June 16, 2016

at 11:59 p.m.

ADDITIONAL DETAILS

- Though we know of no intelligence that is both specific and credible at this time of a plot by terrorist organizations to attack the homeland, the reality is terrorist-inspired individuals have conducted, or attempted to conduct, attacks in the United States this year.
- DHS is especially concerned that terrorist-inspired individuals and homegrown violent extremists may be encouraged or inspired to target public events or places.
- As we saw in the recent attacks in San Bernardino and Paris, terrorists will consider a diverse and wide selection of targets for attacks.
- In the current environment, DHS is also concerned about threats and violence directed at particular communities and individuals across the country, based on perceived religion, ethnicity, or nationality.

TYPES OF ADVISORIES

Bulletin

Describes current developments or general trends regarding threats of terrorism.

Elevated Alert

Warns of a credible terrorism threat against the United States.

Imminent Alert

Warns of a credible, specific and impending terrorism threat against the United States.

U.S. GOVERNMENT COUNTERTERRORISM EFFORTS

- DHS and the FBI are providing additional guidance to state and local partners on increased security measures. The public should expect an increased presence of law enforcement across communities in the weeks ahead. More stringent security should also be anticipated at public places and events. This may include a heavy police presence, additional restrictions and searches on bags and the use of screening technologies.
- The FBI is investigating potential terrorism-related activities associated with this broad threat throughout the United States. Federal, state, and local authorities are coordinating numerous law enforcement actions and community outreach to address this evolving threat.

HOW YOU CAN HELP

- Community leaders, co-workers, friends, and family can help by recognizing signs of potential radicalization to violence. For more information visit: https://nsi.ncirc.gov/
- Report threats or suspicious activity to the FBI or your local authorities. Contact info for FBI Field Offices can be found here: http://www.fbi.gov/contact-us/field

BE PREPARED

- Expect increased security across most U.S. cities and plan ahead to anticipate delays and restricted/prohibited items.
- In populated places, be responsible for your personal safety. Make a mental note of emergency exits and locations of the nearest security personnel. Keep cell phones in your pockets instead of bags or on tables so you don't lose them during an incident. Carry emergency contact details and any special needs info with you at all times. For more visit: **http://www.ready.gov**

STAY INFORMED

- The U.S. Government will provide additional information about any emerging threat as additional information is identified. The public is encouraged to listen to local law enforcement and public safety officials.
- We urge Americans to continue to travel, attend public events, and freely associate with others but remain vigilant and aware of surroundings while doing so, particularly during the holidays.

If You See Something, Say Something™. Report suspicious activity to local law enforcement or call 911.

The National Terrorism Advisory System provides information on homeland security issues and threats. It is distributed by the Department of Homeland Security. More information is available at: www.dhs.gov/advisories. To receive mobile updates: www.twitter.com/dhsgov

If You See Something Say Something™ used with permission of the NY Metropolitan Transportation Authority.

2015-2016 DHS's National Terrorism Advisory Bulletin: Published on December 16, 2015, following the attacks in Paris, which included a series of shootings at popular nightspots, and the shooting in San Bernardino.

The Pomas were not only warned—they were warned through a federal advisory that described nearly to the letter what ultimately happened at PULSE. Their failure to act on that warning, combined with the City's failure to enforce life safety codes, created the conditions that made the PULSE massacre even deadlier. Any attempt to absolve the Pomas of responsibility by claiming the attack was unforeseeable is nothing more than revisionist history, designed to protect those who failed PULSE victims at every turn.

And, as we stated earlier, the years leading up to the PULSE shooting were marked by the rapid proliferation of mass shootings across the United States. National news stations often ran stories about random acts of mass violence had taken place — each one reinforcing the growing reality that mass shootings could happen anywhere, at any time.

Notably, just prior to the 2012 Aurora, CO theater massacre, there was a mass shooting at a bar in Tuscaloosa, Alabama. From that point forward, the pace of mass shootings accelerated dramatically, with high-profile attacks occurring in the **Oak Creek Sikh Temple (WI)**, **Clackamas Town Center (OR)**, **Sandy Hook Elementary School (CT)**, a **Minneapolis workplace (MN)**, **Santa Monica College (CA)**, the **Washington Navy Yard (D.C.)**, **Fort Hood (TX)**, **Isla Vista (CA)**, **Emanuel AME Church in Charleston (SC)**, a **recruitment center in Chattanooga (TN)**, **Umpqua Community College in Roseburg (OR)**, a **Planned Parenthood clinic in Colorado Springs (CO)**, **San Bernardino (CA)**, **Kalamazoo (MI)**, and a **workplace in Hesston (KS) — all before the massacre at PULSE**.

The foreseeability of a mass shooting, including at public gathering spaces like nightclubs, was unmistakable. It was literally in the news month after month, providing repeated and glaring warnings to business owners, law enforcement, and policymakers alike that mass shootings were no longer rare, isolated incidents — they were a growing and persistent threat. This has continued through to today.

This is yet another glaring example of why we continue to question the City of Orlando's motives in its ongoing and relentless defense of the Pomas, which began in 2016 in the immediate aftermath of the shooting with the City's Q&A document.[282] Once again, we have to ask: Why is the City acting as de facto defense attorneys for the Pomas? Why are they bending over backwards to absolve the Pomas of any responsibility? Why does the City go to such extraordinary lengths to protect the Pomas, even when it means misleading the public and ignoring established facts?

The legal determination the OPD made that PULSE owners cannot be held criminally liable for the unpermitted renovations and code violations at PULSE, flies in the face of legal precedent. For example, in 2011, the Nevada Supreme Court found the Silver Nugget casino in Las Vegas wasn't legally liable for the 2006 shooting of a patron because it "took basic minimum precautions to ensure the safety of its patrons."[283] By contrast, in cases such as the Station Nightclub Fire, criminal charges were brought against owners where code violations and unsafe conditions contributed to loss of life. **Similarly,**

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[282] Appendix L.

[283] "Las Vegas Casino Security Overhaul Unlikely, Experts Say," Sara Randazzo and Alexandra Berzon, Wall Street Journal, October 2, 2017, https://www.wsj.com/articles/las-vegas-casino-security-overhaul-unlikely-experts-say-1506981884

Florida law recognizes that violations of building and fire codes can form the basis for liability when they contribute to injury or death.[284] In the case of PULSE, the evidence shows that the owners did not take basic minimum precautions and, in fact, created unsafe conditions. Liability should not have been dismissed outright, especially without ever interviewing the owners to document for the record the extent of what they knew.

In December of 2016, a fire broke out in the Ghost Ship warehouse, which had been illegally converted into an artist collective and living spaces without permits. Thirty-six people died in the fire. A proper investigation took place which found code violations and blocked exits, and the master tenant of the building was charged with felony involuntary manslaughter. In 2021, he pled guilty to all 36 counts of manslaughter.

Forty-nine patrons died at PULSE and another 53 injured in a nightclub riddled with code violations and illegal renovations that hindered both escape and rescue. PULSE did not even have a permit to operate as a nightclub. There was no investigation and the City hid its failures to bring the Pomas' building into compliance.

The only plausible explanation — and the one we are left with after years of our own investigation — is that by defending the Pomas, the City is ultimately defending itself. The City's complicity in allowing the dangerous conditions to exist at PULSE— and its failure to enforce its own safety codes and permitting processes — makes it also directly responsible for the unsafe environment that contributed to the tragedy at PULSE. Every time the City shields the Pomas from scrutiny, it is really shielding itself from accountability for its gross negligence, regulatory failures, and deliberate indifference to public safety.

The City's stance is about protecting the Pomas as much as it is about protecting the City's own image and avoiding the legal, financial, and political consequences that would come from admitting the truth: that the massacre at PULSE happened in a nightclub that lacked adequate security and that the City of Orlando knew was unsafe, unpermitted, and in clear violation of fire and life safety codes — and yet, the City chose to look the other way.[285] We know that the City knew this from the beginning City attorneys drafted a list of known violations at PULSE in preparation for "imminent criminal or civil litigation."[286]

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[284] See, *McCain v. Florida Power Corp*., 593 So. 2d 500 (Fla. 1992), *Hall v. Billy Jack's, Inc*., 458 So. 2d 760 (Fla. 1984) *Stevens v. Jefferson*, 436 So. 2d 33 (Fla. 1983), *deJesus v. Seaboard Coast Line R.R. Co.*, 281 So. 2d 198 (Fla. 1973) *Banfield v. Addington*, 140 So. 893 (Fla. 1932). Also see, *Kline v. 1500 Massachusetts Ave. Apartment Corp.*, 439 F.2d 477 (D.C. Cir. 1970), *Delta Tau Delta v. Johnson*, 712 N.E.2d 968 (Ind. 1999), *Doud v. Las Vegas Hilton Corp.*, 864 P.2d 796 (Nev. 1993), *State v. Lead Industries Ass'n, Inc.*, 951 A.2d 428 (R.I. 2008).

[285] "NFPA 1, Fire Code, advances fire and life safety for the public and first responders as well as property protection by providing a comprehensive, integrated approach to fire code regulation and hazard management." Thus, violating NFPA codes means violating life safety codes. These are the same thing, not different as the City of Orlando has implied through its public statements refusing to acknowledge life safety violations at PULSE. See, NFPA Codes and Standards website, NFPA 1, Fire Codes, https://www.nfpa.org/codes-and-standards/nfpa-1-standard-development/1.

[286] Appendix M

Lastly, by perpetuating the revisionist history—devoid of fact—that PULSE was a "safe space" (even after the evidence was made known), Poma was able to leverage this positioning of PULSE to further shield her from her and her husband's legal responsibility for operating a business out-of-compliance. The City's own records show PULSE was, in fact, unsafe and that City officials failed to do their job and allowed PULSE to operate in violation of the law.

We continue to believe that the failure of PULSE owners, Barbara and Rosario Poma, to address the violations at their business—despite clear evidence of the dangers—reflects a gross negligence that ultimately endangered their patrons and contributed to the scale of the tragedy.

Abridged History of High-Profile Mass Shootings at Nightclubs Prior to June 12, 2016

The following high-profile mass shootings occurred at nightclubs in the United States. This is not an exhaustive list but reflects the most well-known mass shootings to have occurred at nightclubs prior to the attack at the PULSE nightclub in Orlando, Florida on June 12, 2016.

- **Seattle Wah Mee Massacre (1983, Seattle, Washington)**:
    - **Death toll**: 13.
    - Although not a nightclub in the traditional sense, this massacre took place in an illegal gambling club. Three gunmen robbed and executed 13 people in one of the deadliest mass shootings in Washington state history.

- **Los Angeles "Funky Town" Nightclub Shooting (1984, Los Angeles, California)**:
    - **Death toll**: 10.
    - A mass shooting occurred at a South-Central Los Angeles nightclub known as "Funky Town." The gunman opened fire on a crowded dance floor, killing ten people in a brutal, gang-related attack.

- **Dallas Nightclub Shooting (June 29, 1984, Dallas, Texas)**:
    - **Death toll**: 6.
    - After being rejected by a woman, a Moroccan national killed her and shot four other people at a nightclub, before returning and shooting two more people. The perpetrator could not be sentenced to death due to local laws, prompting changes in Texas's penalty laws.

- **Miami El Club Internacional Shooting (1998, Miami, Florida)**:
    - **Death toll**: 4.
    - A gunman opened fire inside the El Club Internacional nightclub, killing four and injuring several others. The attack was believed to be gang related.

- **Columbus Nightclub Shooting (December 8, 2004, Columbus, Ohio)**:
    - **Death toll**: 4.

    - A deranged fan opened fire at a nightclub, killing four people, including musician Dimebag Darrell, and wounding three others before being shot by police.

- **Fort Lauderdale New Year's Eve Shooting (2014, Fort Lauderdale, Florida)**:
    - **Death toll**: 2.
    - A New Year's Eve party at a nightclub turned deadly when a gunman fired shots into the crowd, killing two people and injuring more than a dozen. The shooting caused panic and chaos as partygoers fled.

These incidents underscore the potential for mass casualties in crowded, nightlife settings due to the combination of large groups, alcohol, and, in some cases, gang-related or targeted violence. These incidents underscore that mass shootings at nightclubs have happened regularly since the 1980s and through to the 2000s. The mass shooting at PULSE Nightclub was not an isolated incident.

This does not include nightclub mass shootings that occurred outside of the U.S, such as the aforementioned Bataclan attacks in Paris, France that occurred on November 13, 2015, and resulted in 130 people killed.[287] Happening just months before the PULSE shooting, this terrorist attack on popular night spots was organized by the Islamic State (IS) militant group. It is not unusual for such attacks to inspire copy-cat killings.[288] The PULSE shooter was a homegrown extremist inspired by radical Islamist groups.[289]

The pattern of violence and mass casualty incidents at nightclubs over decades underscores the fact that the gay nightclub owners should have been aware of the risks associated with operating such a business. This history demonstrates that incidents involving large-scale violence, whether due to fires or shootings, are tragically common in nightclubs. Given the frequency of these events, there is no excuse for the Pomas actions—creating impediments to egress by modifying their building without permits, allowing overcrowding, and operating their business illegally as a nightclub (which is more prone to violence) when it was only permitted to operate as a restaurant with a martini bar.

In addition to incidents happening at nightclubs, from 2013 to 2016, there were approximately 1,160 mass shootings across the U.S. according to the **Gun Violence Archive (GVA).** This includes incidents with varying numbers of injuries and fatalities. Between 1982 and 2016, according to data from the *Mother Jones* mass shooting database, which only tracks incidents with at least four people killed in public settings (excluding gang-related violence and domestic disputes), there were around 78 mass shootings in the U.S. The following year, the mass shooting at the Route 91 Music Festival in Las Vegas surpassed the tragedy at PULSE, becoming the deadliest mass shooting in U.S. history. Hundreds of mass shootings have happened across the United States and PULSE families and survivors have fought for justice, including after the shooting at Club Q—a gay bar in Colorado Springs where five were killed and 17 were shot and injured on November 19, 2022.

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[287] "Paris attacks: What happened on the night," *BBC News*, December 9, 2015, https://www.bbc.com/news/world-europe-34818994.

[288] "Mass Killings Inspire Copycats, Study Finds," *NBC News*, July 2, 2015, https://www.nbcnews.com/health/health-news/yes-mass-killings-inspire-copycats-study-finds-n386141.

[289] "No direct link between Orlando shooter and IS group," News Wires, *France 24*, June 14, 2016, https://www.france24.com/en/20160614-no-direct-link-between-orlando-shooter-group-pulse-islamic-state-omar-Mateen.

Since the PULSE Nightclub shooting, there have been additional mass shootings at nightclubs, underscoring that these venues remain prime targets for such violence and that mass casualty incidents at these locations are increasing in tandem with the rise in national mass shootings. High-profile mass shootings at nightclubs since the PULSE shooting include:

- **Cincinnati, OH (March 26, 2017)**: A shooting at the Cameo nightclub left 1 person dead and 15 injured.
- **Little Rock, AR (February 19, 2022)**: A nightclub shooting resulted in 2 deaths and 8 injuries.
- **Chattanooga, TN (June 6, 2022)**: A shooting at a nightclub led to 3 people killed and 14 wounded by gunfire.
- **Colorado Springs, CO (November 19, 2022)**: A gunman opened fire at the LGBTQ nightclub, Club Q, killing five people and injuring 25 others before being subdued by patrons.
- **Chicago, IL (October 30, 2023)**: A mass shooting at an illegal nightclub (Studio 1258, only licensed to operate as an art gallery) hosting a party resulted in 2 people killed and 7 others injured.
- **Chicago, IL (July 3, 2025)**: A drive-by shooting at a nightclub results in four people dead and 14 injured.
- **Southport, NC (September 27, 2025)**: A mass shooting at the American Fish Company bar during a concert killed three people and injured six others when a person on a boat opened fire from the Intracoastal Waterway before fleeing.
- **Austin, TX (March 1, 2026)**: A gunman killed two people and wounded 14 in a mass shooting at a popular bar called Buford’s Backyard Beer Garden on Sixth Street, Austin's nightlife district.

High-profile Mass Death Incidents at Nightclubs with Code Violations, Unpermitted Renovations, and Safety Failures:

In addition to several mass shootings that have occurred at nightclubs, there have also been numerous devastating fires at these venues that resulted in mass casualties. Each of these incidents, like the PULSE Nightclub shooting, exposed significant safety failings, including violations of fire and building codes. In some cases, these clubs were operating illegally, bypassing critical regulations meant to protect patrons.

These tragedies reveal a disturbing pattern in which safety risks at nightclubs are overlooked, making nightclubs particularly vulnerable to disasters, whether by fire or gun violence. The combination of code violations, overcrowding, and inadequate safety measures contributed to the scale of loss, underscoring the urgent need for stricter enforcement and preventive measures to protect lives.

- **Cocoanut Grove Fire** (1942, Boston, Massachusetts): This remains the deadliest nightclub fire in U.S. history. The fire spread quickly due to flammable decorations and overcrowding, while exits were blocked or poorly marked. Many deaths occurred due to suffocation and trampling. Death toll: 492.

- **UpStairs Lounge Fire** (1973, New Orleans, Louisiana): The fire, which was suspected to be arson, engulfed a popular gay bar. Poor egress contributed to the high death toll, as patrons were trapped by locked or obstructed exits. Death toll: 32.

- **Happy Land Fire** (1990, New York City): A fire at an illegally operated social club resulted in 87 deaths. The blaze was started intentionally by an individual, but the high death toll was exacerbated by unsafe conditions, including no fire exits, overcrowding, and locked emergency doors.

- **Station Nightclub Fire** (2003, Rhode Island): One of the deadliest nightclub fires in U.S. history, it resulted in 100 deaths. The fire was sparked by pyrotechnics during a concert, which ignited flammable soundproofing material. The club was overcrowded, had insufficient exits, and lacked proper safety measures, contributing to the high casualty rate.

- **Colectiv Nightclub Fire** (2015, Bucharest, Romania): A fire caused by pyrotechnics during a rock concert led to panic as people attempted to flee through limited and blocked exits. The nightclub was overcrowded, and safety inspections had been ignored. Death toll: 64 (more died from injuries afterward).

- **Ghost Ship Warehouse Fire** (2016, Oakland, California): A fire broke out in an unpermitted live-work artist space, which had been illegally converted into a venue for events. The space had serious fire code violations, including blocked exits and unsafe electrical wiring. The fire killed 36 people, with the lack of proper egress contributing to the tragedy.

These incidents, spanning more than 80 years and—with one exception—predating the PULSE shooting, demonstrate the catastrophic consequences that can result from safety failures such as unpermitted renovations, code violations, inadequate egress planning, and overcrowded venues. **These incidents reveal a tragic pattern of mass casualties at nightclubs caused by a combination of negligence, safety code violations, overcrowding, and failure to ensure proper egress in emergencies.**

Known Violence and Risk at Florida Gay Bars:

Long before the mass shooting, police records clearly document a persistent and troubling pattern of violence at PULSE, including numerous incidents of battery and other violent altercations.[290]

In the wake of the PULSE shooting, a crucial question emerges: Should the owners of PULSE have anticipated such a risk? Given the context of the venue—a gay nightclub located in conservative Florida—there were clear indicators that the risks associated with hate crimes, especially against LGBTQ+ individuals, were significant and should have informed their safety and security planning. The PULSE Nightclub's owners had a heightened responsibility to anticipate and mitigate these risks of violence.

Although the Pulse shooting was not a hate crime, the types of crimes that target LGBTQ+ individuals have been a persistent issue in the United States, with certain states showing higher rates of such violence. Florida, known for its diverse and sometimes contentious political landscape, has experienced its share of anti-LGBTQ+ incidents. According to the FBI's Hate Crime Statistics, the LGBTQ+ community has frequently been the target of hate crimes, with a notable portion of these crimes involving violence.

For instance, the FBI's 2015 Hate Crime Statistics report indicated that nearly 20% of hate crimes were motivated by sexual orientation bias. The Florida Department of Law Enforcement's (FDLE) annual reports on hate crimes consistently show a higher incidence of crimes against LGBTQ+ individuals compared to many other states. In 2015, Florida reported 46 hate crimes against LGBTQ+ individuals, making up a substantial portion of the state's total hate crime incidents.

PULSE Nightclub, located in Orlando, Florida, was more than a place of entertainment. Like most gay bars, it was conceptualized as a sanctuary for the LGBTQ+ community — a rare space where members of a marginalized population could exist without fear of judgment or harm. In a state marked by open hostility toward its substantial LGBTQ+ population, the gay nightclub as a symbolic institution held significant cultural and social importance, even if those spaces failed to live up to those expectations.

Before the PULSE Nightclub shooting, the political climate in Florida and across the United States was marked by contentious debates and discriminatory policies affecting LGBTQ+ individuals. In the years leading up to the shooting, Florida was a battleground for anti-LGBTQ+ politics, which included efforts to block marriage equality and restrict LGBTQ+ rights. The state had a history of legislation that marginalized LGBTQ+ individuals, such as the "Don't Say Gay" bill and attempts to limit protections for LGBTQ+ individuals in employment and housing. This trend has only continued.

Nationally, the debate over same-sex marriage was a prominent issue prior to the PULSE shooting, with the U.S. Supreme Court's landmark decision in *Obergefell v. Hodges* in 2015 legalizing same-sex marriage across the country. However, this victory did not quell the broader animus towards the LGBTQ+ community and there has been a resulting backlash and intolerance that can still be identified today. This backdrop of hostility and discrimination made LGBTQ+ venues, such as PULSE, particularly vulnerable to targeted violence, underscoring the importance of anticipating such risks and implementing comprehensive security measures to protect patrons from potential threats.

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[290] See Appendix H for a selection of police reports detailing these incidents, all of which occurred prior to the tragic events of June 12, 2016.

In the years leading up to the PULSE shooting, Florida's LGBTQ+ community experienced a series of threats, targeted violence, and acts of intimidation that highlighted the ongoing danger LGBTQ+ spaces attract. From violent assaults outside LGBTQ+ bars to threats made against popular venues, it was clear that establishments serving LGBTQ+ patrons were vulnerable targets with heightened risk. While not always tied to large-scale plots, these incidents — often involving harassment, vandalism, or violent confrontations — served as reminders that LGBTQ+ people and their gathering spaces remained at risk.

Following the PULSE shooting, Craig Jungwirth's 2016 threats to carry out a massacre "bigger than PULSE" against LGBTQ+ businesses in Wilton Manors further underscored that there was a broader pattern of threats and violence against LGBTQ+ establishments in Florida and beyond. In 2023, two LGBTQ+ community centers in Orlando were vandalized with hate speech. In November 2025, police were caught lying about a car crash that killed four outside of a gay bar in Ybor City. As recently as February 23, 2026, a gay man was shot and killed outside of another popular gay bar in Orlando.

This climate of fear and hostility was well-known within Florida's LGBTQ+ community, and it should have been equally clear to PULSE's business owners, law enforcement, and local officials responsible for ensuring the safety of public spaces, particularly those that served historically targeted communities. This context, combined with the growing national epidemic of mass shootings and increasing concerns about domestic terrorism, made the potential for violence at a crowded nightclub like PULSE not only foreseeable but alarmingly plausible.

Despite these warnings, PULSE's security measures and overall preparedness did not reflect an adequate response to these well-known and published risks.

Violence at downtown Orlando Nightclubs has made headlines for years, especially along Orange Avenue just north of the PULSE Nightclub. OPD records show numerous shootings occurring on Orange Avenue – the same street that PULSE was located – in the years preceding the PULSE shooting, including multiple shooting occurring just blocks from PULSE.[291] **In fact, the PULSE shooting triggered the City of Orlando to try to finally take control of the violence by cracking down on downtown clubs by initiating new rules, permits, and codes.[292]**

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[291] Request 25-3178, City of Orlando.

[292] "Orlando nightclub task force meets to discuss security after PULSE," Troy Campbell, *Click Orlando*, July 26, 2016, https://www.clickorlando.com/news/2016/07/26/orlando-nightclub-task-force-meets-to-discuss-security-after-pulse/. ; https://bungalower.com/2022/09/19/city-hall-considering-updating-what-is-and-isnt-a-nightclub/

These efforts to control the nightlife violence in downtown Orlando amidst safety concerns have resulted in the closure of several nightclubs.[293] Following other shootings,[294] including another two mass shootings,[295] OPD also initiated "Operation Nightcap," a series of drug stings at downtown bars and nightclubs that resulted in the reporting of 150 permit violations.[296]

The revisionist portrayal of PULSE as a "safe space" is not rooted in reality, but rather in a strategic post-tragedy marketing campaign designed to protect the Pomas' public image— a narrative aggressively promoted by PULSE owner Barbara Poma, both personally and through her nonprofit, the onePULSE Foundation. The "safe space" narrative recasts the Pomas as community caretakers rather than negligent business owners and provides an emotionally compelling backdrop for fundraising efforts. Tragically, this false narrative has been uncritically embraced and amplified by segments of the LGBTQ+ community (who are just ignorant of the facts), whose members have historically sought safe havens in bars, clubs, and other gathering spaces in response to decades of targeted violence and social exclusion.[297]

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[293] "5 Orlando nightclubs close amid challenges of doing business downtown," *Fox35*, December 6, 2024, https://www.fox35orlando.com/news/5-orlando-nightclubs-close-amid-challenges-doing-business-downtown/; "New downtown Orlando nightclub restrictions take effect Saturday," Katie Streit, *Spectrum 13 News*, September 20, 2024, https://mynews13.com/fl/orlando/news/2024/09/20/orlando-nightclub-300-feet-; "Orlando passes initial vote on proposal to limit downtown nightclubs," Paola Tristan Arruda, *WESH 2*, July 16, 2024, https://www.wesh.com/article/orlando-passes-initial-vote-proposal-limit-downtown-nightclubs/61603731; Orlando approves ordinance limiting location of downtown nightclubs," Luis Alfredo-Garcia, *Central Florida Public Media*, August 13, 2024, https://www.cfpublic.org/politics/2024-08-13/orlando-approves-ordinance-limiting-location-of-downtown-nightclubs; City Code Updates to Nightclubs and Alcohol Sales in Downtown, City of Orlando, https://www.orlando.gov/Our-Government/Departments-Offices/Economic-Development/City-Planning/Late-Night-Uses/City-Code-Updates-to-Nightclubs-and-Alcohol-Sales-in-Downtown; "Orlando eyes downtown nightclub moratorium, new permits; bars call proposals excessive," *Orlando Sentinel*, Ryan Gillespie, January 18, 2023, https://www.orlandosentinel.com/2023/01/17/orlando-eyes-downtown-nightclub-moratorium-new-permits-bars-call-proposals-excessive/; "From glitz and glam to checkpoints: downtown Orlando's safety plan represents hard fail," Nick Papantonis, *WFTV*, August 1, 2022, https://www.wftv.com/news/local/glitz-glam-checkpoints-downtown-orlandos-safety-plan-represents-hard-fall/PG7ST5MJUVBD7ALSZM7EJBIU5M/.

[294] For example, see "Man fatally shot near Orlando nightclub may not have been shooters' target, records show," Angela Jacobs, WTFV, August 20, 2019, https://www.wftv.com/news/local/man-fatally-shot-near-orlando-nightclub-may-not-have-been-shooters-target-records-show/977763878/.

[295] "After 7 shot in downtown Orlando, here's how the city plans to curb violence," Christie Zizo and Troy Campbell, *Click Orlando*, August 1, 2022, https://www.clickorlando.com/news/local/2022/08/01/after-7-shot-in-downtown-orlando-heres-what-the-city-may-do-to-curb-violence/; "City of Orlando takes aim at downtown's 'street party atmosphere' after deadly mass shooting," Averi Kremposky and Senait Gebregiorgis, *WESH 2*, November 8, 2024, https://www.wesh.com/article/downtown-orlando-orange-avenue-reopening-mass-shooting/62843018; "Editorial: Gun violence strikes downtown Orlando again. Do we doubt the root cause?" Editorial Board, *Orlando Sentinel*, November 6, 2024, https://www.orlandosentinel.com/2024/11/06/editorial-gun-violence-strikes-downtown-orlando-again-do-we-doubt-the-root-cause/.

[296] "Downtown Orlando bars and nightclubs reach agreements with city of alcohol sales violations," Stephanie Rodriguez, *ClickOrlando*, January 16, 2025, https://www.clickorlando.com/news/local/2025/01/17/downtown-orlando-bars-nightclubs-reach-agreements-with-city-over-alcohol-sales-violations/; "OPD sting operation brings criminal charges to nightclubs in downtown Orlando," Lukas Miller, *The Charge*, February 5, 2025, https://www.nicholsonstudentmedia.com/news/opd-detective-nightclub-operation/article_75898774-e19b-11ef-9eef-837cef9383b5.html; "Downtown business owner reacts to a monthslong Orlando Police Department sting," Maria Serrano, *Spectrum News 13*, December 5, 2024, https://mynews13.com/fl/orlando/news/2024/12/05/downtown-businessowner-reacts-to-orlando-pd-s-sting-that-revealed-business-violations--and-some-employees-selling-illegal-drugs-in-establishments.

[297] Hanhardt, Christina. Safe Space: Gay Neighborhood History and the Politics of Violence (2013). Duke University Press.

Calling PULSE a "safe space" offers little more than post-shooting nostalgia — a selective memory shaped by trauma, grief, and the desire to find meaning and comfort in the aftermath of unspeakable violence. These exaggerated claims that PULSE was a beacon of safety also work to serve another purpose: it amplifies the symbolic loss of the nightclub itself, positioning the business — and by extension, the Pomas — as central to the cultural fabric of Orlando's LGBTQ+ community. In doing so, it frames the loss of PULSE as not only a horrific massacre, but also a symbolic affront to queer existence itself — as though the scale of the tragedy could somehow be made even worse. By artificially inflating the symbolic importance of PULSE, this narrative exaggerates the loss of the business and conveniently obscures the club's well-documented history of violence, unpermitted renovations, code violations, and unsafe conditions.

Barbara Poma and her PR team, buttressed by Mayor Buddy Dyer and other Central Florida politicians, worked for years to position the loss of the nightclub as an affront and loss to the larger, national gay community. We currently see this narrative being exploited by the City of Orlando, now that it owns the PULSE Nightclub property and is building a memorial with a visitor center and a massive "PULSE tower" that spotlights PULSE's manufactured brand.

The harsh reality, documented in black-and-white police reports, paints a very different picture: PULSE was unsafe.

The LGBTQ+ community deserves safety in community spaces being sold to them, especially when these spaces are owned and operated by people external to the community. The fact that PULSE was materially unsafe is what makes the false narrative that PULSE was a model "safe space" even more sinister and reflects a deliberate rewriting of history[298] —one designed to protect the reputation of the Pomas, the City, and to generate donations for institutions that worked not to preserve the truth, but to sanitize it.[299] To this day, this myth-making has shielded the Pomas from accountability and allowed both the City of Orlando and the onePULSE Foundation to exploit the tragedy for political and financial gain — all while ignoring the documented dangers that existed at PULSE long before the shooter ever set foot inside the club.

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[298] Compare, "We Can Choose How We Remember PULSE," David Ballard, June 14, 2018, Talk Poverty, https://talkpoverty.org/2018/06/14/can-choose-remember-pulse/index.html; with "Nightclub founded as a safe space, community hub," Katie Mettler, *Arkansas Democrat Gazette (Washington Post)*, June 14, 2016, https://www.arkansasonline.com/news/2016/jun/14/nightclub-founded-as-safe-space-communi/.

[299] Referring here to the now dissolved onePULSE Foundation, the Orange County Regional History Center, and the City of Orlando. For example, of sanitized history, see: "History Center to Commemorate PULSE Tragedy with Special Memorial Exhibit," Orange County, June 1, 2018, https://newsroom.ocfl.net/2018/06/history-center-commemorate-pulse-tragedy-special-memorial-exhibit/.

The Responsibility of Nightclub Owners

Given the context, the owners of PULSE Nightclub should have been aware of the heightened risk of violence against their patrons. The nightclub, as a prominent LGBTQ+ venue in a politically conservative state, was inherently more susceptible to targeted violence. The presence of hate crime statistics and previous incidents should have driven a proactive approach to security and risk management.

Furthermore, the prevalence of gun violence, specifically, is addressed in **Florida Statute 790.06 Section 12a**, which establishes gun free zones. Bars and restaurants that serve alcohol are considered sensitive areas because drinking alcohol can increase aggression and impair judgement, which can lead to an increased risk of gun violence. They are required by law to be gun free zones.

The Pomas and PULSE management bear responsibility for failing to ensure that trained security personnel remained stationed at the nightclub's front entrance as required for a venue operating as a nightclub. Proper nightclub management and adequate employee training should have ensured that security coverage at the entrance was maintained at all times. PULSE employees and security staff likewise failed to properly coordinate their response to the underage patron incident in a manner that maintained front-door security coverage. Rather than leaving the entrance unsecured, bouncers and on-site security should have handled the situation while continuing to secure the club's primary point of entry.

The OPD and the City of Orlando also bear responsibility. Detective Adam Gruler, while working extra-duty security at PULSE, abandoned his assigned post at the front entrance prior to the shooting, and the evidence further suggests that responding officers failed to follow established Active Shooter Protocol during the response.

Collectively, these failures allowed an armed individual to enter the nightclub without encountering the level of security required by law, expected by patrons, and represented to the City. The question remains: what is the purpose of hiring security personnel if critical posts are left unattended when they are needed most?

The same can be said about the Pomas and PULSE employees pertaining to obstructions to egress, such as the garbage cans, beverage coolers, inoperable latched gates, and other storage items. The Pomas should have trained their employees about these risks and code violations, while PULSE employees should have ensured that all possible exit routes were functional and clear of clutter.

Furthermore, it is the responsibility of both the Pomas and PULSE staff to ensure the nightclub adheres to its occupancy limit and monitors the number of people going in and out of the club with a clicker counter. All available evidence suggests that neither the OPD or the FBI took the required clicker counter into evidence—a glaring omission that shows these issues were not known, considered, or properly investigated. Contrary to the OPD's junk conclusion that there was no way to determine if the nightclub was over capacity, the FBI's own victims/survivor validation and other institutional survivor lists prove that the nightclub was over capacity on the night of the shooting.

This shared responsibility between the Pomas and their employees would have given PULSE's security staff a motive to lie about unlatching the gate in the north service alley, rather than admitting they had to kick it open to free trapped patrons.[300] For PULSE employees to misrepresent the facts would serve to protect both the Pomas and themselves from being held accountable for failing to fulfill their legal responsibilities.

Furthermore, multiple employees worked for the Pomas for years, some since PULSE first opened, only to suddenly find themselves unemployed after the shooting. Faced with financial insecurity, the Pomas became a financial lifeline for them, using at least a portion of the money they collected from generous donors.[301] The Pomas did not provide the public with an official financial accounting or audit of their Employee Recovery Fund, but it was reported that the nightclub raised more than $50,000.00 and had 45 part-time and full-time employees.[302] Former employees stated that this money was handed out in cash with questionable oversight.

Effective risk management for a nightclub, particularly one in a high-risk category like PULSE, involves more than just complying with basic safety regulations. It requires a thorough understanding of the specific threats faced by the venue's clientele. This includes actually implementing robust security protocols and following all building and fire codes at all times. PULSE could not even comply with the most basic and fundamental of life safety regulations.

It is essential to understand that the PULSE Nightclub Shooting was not an isolated incident but rather part of a disturbing pattern of violence against marginalized communities and within nightlife settings. Ensuring the safety of patrons in such high-risk environments requires a proactive and informed approach to risk management, something that the owners of PULSE Nightclub regrettably lacked. Instead, records show they were negligent in keeping their business complaint with fire (life safety), building, and zoning codes.

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[300] Appendix G.

[301] "PULSE nightclub launches official employee recovery fund," June 16, 2016, *Fox 29* (Philadelphia), https://www.fox29.com/news/pulse-nightclub-launches-official-employee-recovery-fund; "PULSE Orlando Club Owner Creates Fundraising Site to Aid 'Traumatized' Employees," Jeff Truesdell, *People*, June 16, 2016, https://people.com/crime/orlando-nightclub-shooting-club-owner-creates-fundraising-site-for-employees/.

[302] "PULSE nightclub distributes $28,500 to out of work employees," CNN Wire, *WTKR*, July 1, 2016, https://www.wtkr.com/2016/07/01/pulse-nightclub-distributes-28500-to-out-of-work-employees; also published on CNN: https://www.cnn.com/2016/06/30/news/pulse-orlando-employees-assistance/index.html.

Comparative Analysis: Criminal Liability in the Station Nightclub Fire vs. PULSE Nightclub Shooting

The tragic 2003 Station Nightclub fire in Rhode Island resulted in the deaths of 100 people, and the nightclub's owners, Michael and Jeffrey Derderian, were charged with involuntary manslaughter due to gross negligence, which directly contributed to the high death toll. They did not start the fire, but death and injury was found to have been exacerbated by *uncited* unpermitted renovations, overcrowding, blocked exits, and a lack of required safety features—all of which created a dangerous environment. This case offers a compelling comparison to the 2016 PULSE Nightclub shooting, where similar issues of overcrowding, obstructed exits due to both construction and management negligence, and other code violations that hindered escape and rescue, yet no criminal charges have been brought against PULSE's owners, Barbara and Rosario Poma.

Involuntary Manslaughter: The Station Nightclub Case

In the Station Nightclub fire, the Derderian brothers were charged with 200 counts of involuntary manslaughter (two per victim: one for criminal negligence, one for misdemeanor manslaughter) because:

1. **Gross Negligence**: They installed highly flammable soundproofing foam without the necessary fire safety precautions.
2. **Violation of Safety Codes**: The nightclub's capacity was exceeded, and there were inadequate fire suppression and alarm systems.
3. **Obstructed Egress**: Many of the nightclub's exits were obstructed or poorly marked, causing a bottleneck that contributed to the deaths.

The criminal charges stemmed from the fact that the owners were aware of these hazards and failed to address them, leading to the foreseeable deaths of their patrons. The Pomas were also aware of the hazards that they built without permits but failed to address them even after the City of Orlando met with Rosario Poma in 2010 and asked him to remedy the noncompliance issues in writing before PULSE even opened.

Negligence at PULSE Nightclub: Unpermitted Renovations and Code Violations

The situation at PULSE Nightclub presents similar issues, which could justify charges of involuntary manslaughter against the owners, Barbara and Rosario Poma, under Florida law:

1. **Unpermitted Renovations and Code Violations**: Media investigations following the 2016 shooting, as well as our own, revealed that PULSE Nightclub had undergone unpermitted renovations that did not comply with building, zoning, or life safety codes and operationally violated life safety codes as well. Evidence indicates that exits were insufficient for the venue's capacity, and other safety features—such as fire suppression systems and emergency lighting—

were lacking or in violation of code. These factors significantly hindered both escape and rescue efforts during the shooting and this is documented.

2. **Overcapacity**: Like in the Station Nightclub fire, PULSE Nightclub was documented for operating over its permitted capacity on the night of the tragedy, which created a crowded environment. This increased the difficulty for patrons to evacuate when gunfire began, leading to bottlenecks at doors improperly labeled as exits that led into areas enclosed by the illegal fence.
3. **Obstructed Egress**: Critically, some exits at PULSE were obstructed or inadequately designed for a quick evacuation. Coke "machines" and an unpermitted fence blocking escape, combined with the overcapacity issue, made it difficult for patrons to flee to safety when the shooting began. Even though the threat was a mass shooter rather than a fire, the underlying issue—failure to maintain safe egress routes—remains the same. This is a critical point in arguing that the same legal principles of negligence and liability apply in Orlando.

Over the years, Barbara Poma has released public statements in response to being called out for these documented facts, in which she claims she and her husband bear no responsibility for the death of the 49 victims and the mental and physical injury of hundreds of others because the mass shooting was an "unforeseeable" event. Again, this is the same argument echoed by the OPD in their limited "investigative" report, written after City investigators failed to interview the Pomas under oath to determine what they did and did not know.

In response to our Mother's Day Press Conference held outside of the Orlando City Hall in 2023—where we continued to publicly demand criminal investigations into the onePULSE Foundation, the Pomas, and the City of Orlando—both the onePULSE Foundation and Barbara Poma released public statements denying the documented facts we brought to light.

Barbara Poma stated:

> *Since that tragic night at PULSE Nightclub my time has been focused on remembering and honoring the 49 angels whose lives were taken and their surviving families as they navigate unimaginable grief. It has been an uncharted path for everyone. Out of respect to those impacted by this tragedy, I have never responded to the handful of individuals who continue to spread a myriad of untruths about my husband and me, falsely blaming us for what was an unforeseeable terrorist attack. These individuals continue to speak untruthfully about us, and as always, without any knowledge or facts. The decisions we have made related to the onePULSE Foundation have been difficult and personal. While I recognize and respect these individuals' grief, that should not serve as a free pass for intentionally spreading lies about us. It is hurtful, undeserved and helps no one.*[303]

In another interview with *Spectrum 13* in 2018—just days before she was slapped with a civil premises liability and security negligence lawsuit—Barbara Poma said there's nothing more her or her husband could have done to prevent the attack from happening, which simply is not true. She also pointed to facts being "laid out," despite the facts that were kept hidden from the public until we came along and began acquiring records directly from the City of Orlando.

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[303] "PULSE survivors, victims' family members speak on onePULSE Foundation," Hayley Crombleholme, *WESH 2 News*, May 14, 2023. https://www.wesh.com/article/orlando-pulse-survivors-discuss-foundation/43886675

> *I think in the beginning, we did (question if we could have done something), because you're in a state of shock and panic and you couldn't wrap your brain around how did this happen, so you're trying to figure out how did this happen… I think after the facts were laid out and all of the i's dotted and t's crossed, you realized you can't stop crazy, you can't stop madness like that. So, I think I've come to terms of understanding that part.*[304]

The truth is that the facts were not laid out in 2018. Most of the investigations were not even completed until 2019. Even then, the evidence still hadn't been disclosed to the public and we have slowly uncovered the facts over the past 10 years. We continue seeking public records from both the City of Orlando and the FBI to get even more facts, including filing a public records lawsuit against the City for records they claim are exempt from public disclosure.[305]

Poma's statements aren't true in other ways, as well. Surveillance footage shows that Barbara and Rosario Poma did not have adequate and required security at the door, allowing the shooter to walk right in without being stopped—not once, but twice. Public records also show Barbara and Rosario Poma could have chosen to follow the law by not operating PULSE as a nightclub in violation of its approved conditional use permit (CUP). By doing so, they would have avoided PULSE becoming a target through the shooter's spontaneous Google search for "downtown Orlando nightclubs" on the night of June 12, 2016, which led to his random selection of PULSE as the location to carry out his killing.

Even OPD verified the allegations we made in our 2020 *They Knew* report regarding the code violations and unpermitted renovations at PULSE as factual. Where the OPD disagreed with statements made in our *They Knew* report, it was because the investigators claimed there to be a lack of evidence when there is not. The OPD only lacked evidence because they did not bother to seek it out or chose to ignore it—a clear violation of victim rights. In response to the City's ongoing investigative negligence, we have collected the evidence ourselves over the years since the shooting and continue to gather evidence through public records requests, interviews with survivors, and others with first-hand accounts, including various whistleblowers from both the City of Orlando and the onePULSE Foundation. The evidence is present and we continue to uncover new evidence that OPD investigators failed to collect, as they also failed to interview key witnesses.

When *Orlando Sentinel* reporter Kate Santich asked Barbara Poma about the lawsuit in 2019, she stated that the mass shooting was an "unimaginable act of violence" and that she was being "targeted by out-of-state personal injury attorneys." She called the case "frivolous."[306] **Evidence demonstrates that Poma's legal assessment is incorrect.**

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[304] "PULSE survivors suing nightclub owners," Greg Angel, *Spectrum 13*, June 8, 2018. https://mynews13.com/fl/orlando/pulse-shooting/2018/06/08/pulse-survivors-suing-nightclub-owners

[305] 2025-CA-011023-O: *Zachary Blair v. City of Orlando*.

[306] "Three years after attack, PULSE owner Barbara Poma focuses on memorial, healing," Kate Santich, *Orlando Sentinel*, June 8, 2019, https://www.orlandosentinel.com/2019/06/08/three-years-after-attack-pulse-owner-barbara-poma-focuses-on-memorial-healing/

The Case for Criminal Liability at PULSE Nightclub

Involuntary manslaughter typically involves the unintentional death of another person as a result of gross negligence or reckless disregard for human life. Under Florida law, involuntary manslaughter can be charged if it can be shown that the defendant acted with such disregard for the safety of others that it rises to the level of criminal negligence. The conditions at PULSE Nightclub provide a strong basis for such charges against nightclub owners Barbara Poma and Rosario Poma.

1. Foreseeable Harm; Foreseeability

Just like in the Station Nightclub fire, the owners of PULSE were responsible for ensuring that their venue met fire and life safety codes. They failed miserably. The egress and capacity violations were foreseeable risks that the owners should have mitigated by complying with the basic requirements set forth by building, zoning, and fire codes. PULSE owners chose, over the span of years, not to comply with the law. The City failed to enforce compliance.

Furthermore, while the terrorist attack at PULSE was random, violence at PULSE and other nearby downtown nightclubs was not. Thus, any form of violence should have been anticipated and planned for, in addition to operating a business in compliance with all building, zoning, and fire codes. Furthermore, bars and nightclubs by nature are prone to gun violence, specifically. This is why Florida law also requires them to be gun-free zones.[307] Adequate and required security was not in place to enforce the law and keep patrons safe.

Violence at PULSE was not unforeseeable — it had already occurred there. *The Pomas and the City bore a legal duty to anticipate it, and the documented history of incidents at the venue makes any claim of surprise indefensible.*

Police call records indicate the hundreds of times the police were called out to the PULSE Nightclub since its opening in 2004. These included numerous incidents of battery, trespassing, suspicious persons, sick or injured persons, theft, burglary, general disturbances, drug violations, hit and runs, suspicious cars, fugitives from justice, vandalism/criminal mischief, suspicious incidents, "unknown trouble," illegally parked cars, stolen vehicles, multiple calls for "man down," noise ordinance violations, liquor law violations, drunk pedestrians, and drunk drivers (*See Appendix J*). There were even multiple instances of battery at PULSE in the months prior to the mass shooting.

Together, these instances not only contradict the narrative that Barbara Poma marketed to the public as PULSE being a "safe space," but **they show a pattern of violence and criminal activity at PULSE**. This documented police history is not background context. It is evidence of notice and establishes the legal duty for the Pomas to ensure adequate security and ensure the safety of their customers. A duty they did not meet.

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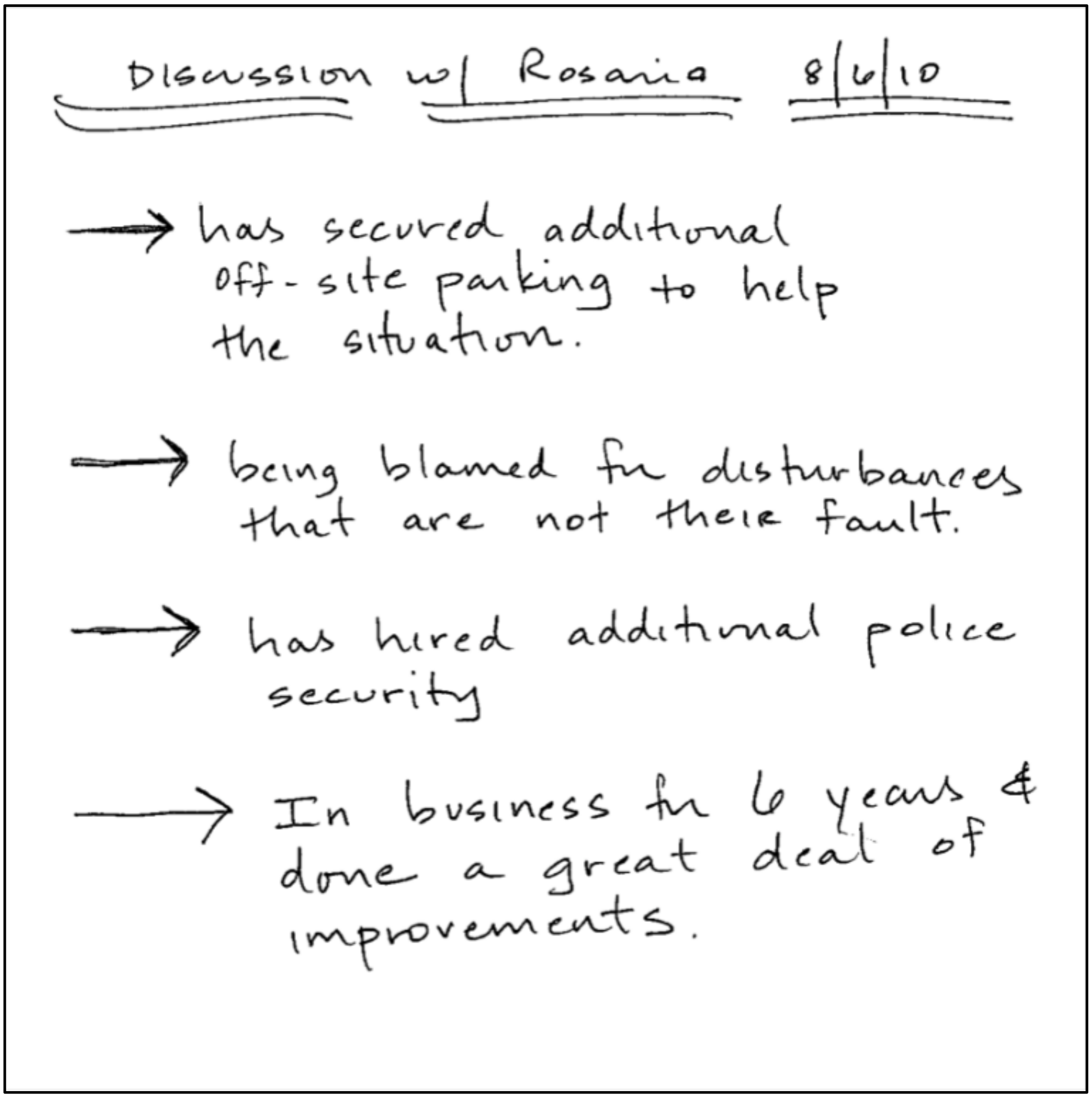
[307] Florida Statute § 790.06(12)(a)(12).

2. Reckless Disregard for Safety

The fact that PULSE had known code violations and for years ignored the City's written and unwritten requests to comply with basic building, zoning, and life safety codes suggests a reckless disregard for the safety of its patrons. Again, having adequate security was also a requirement placed on PULSE by the City, as was keeping count of PULSE patrons using a clicker counter to avoid violating PULSE's capacity limitations. Clearly, these regulations were not followed on June 12, 2016—just as they were not followed many nights before, for which there is a documented record.



Discussion w/ Rosario 8/6/10

→ has secured additional off-site parking to help the situation.

→ being blamed fr disturbances that are not their fault.

→ has hired additional police security

→ In business fr 6 years & done a great deal of improvements.

Handwritten note released by the City: This note documents that Rosario Poma told the City of Orlando in 2010 that he hired additional police security. The "great deal of improvements" refers to the unpermitted renovations at the nightclub.

As in the Station Nightclub case, these violations were not minor technical infractions but critical failures that put lives at risk. Exceeding capacity, failing to maintain safe exits, and conducting unpermitted renovations—knowing that these actions violate safety standards and failing to comply with the law over the span of years—demonstrates gross negligence on the part of the owners. These violations often fall under the umbrella of negligence and would likely encompass construction negligence, security negligence, maintenance negligence, regulatory negligence, municipal negligence, negligent inspection, negligence per se, and even negligent misrepresentation.

3. Contributing to the Deaths of Patrons

While the PULSE shooter pulled the trigger, the nightclub's violations are undoubtedly responsible for trapping patrons inside and contributed to the death of some of the 16 victims who died as a result of delay and not their otherwise survivable gunshot wounds. Courts have held that criminal negligence need not be the sole cause of death but can exist if the defendant's actions contributed to the harm. In this case, the blocked exits and other violations prevented victims from escaping and prolonged the duration of the shooting. The failure to find a correlation between the violations and the 49 deaths belongs entirely to the OPD's investigators who chose not to look.

Why We Believe the PULSE Nightclub Owners Should Face Criminal Charges

When there is no accountability, people are emboldened to continue to behave as though they are above the law. Public records reflect that the Pomas continued to fail to follow to the City's permitting laws and the City of Orlando continued to fail to enforce those laws when it came to the Pomas' ongoing violations. Rather than enforce compliance, the City delicately danced around the Pomas violations and failed to follow-up or issue citations when non-compliance continued. For example, a letter sent to Mr. and Mrs. Poma on December 16, 2016, by Orlando's Chief Administrative Officer Byron W. Brooks that asked them to comply with the City's event permitting process.[308] Additionally, the City allowed Poma's onePULSE Foundation to operate with an expired Temporary Use Permit (TUP) for over a year without ever requiring them to renew it.

If the owners of the Station Nightclub can be held criminally liable, the same laws and investigative standards should have been applied to the owners of PULSE.

The fact that the cause of the emergency was a shooter rather than a fire does not negate the duty to provide a safe venue with adequate means of egress. The owners' failure to ensure their nightclub was compliant with safety standards directly endangered the lives of patrons, and as such, criminal charges should be considered under the same legal framework applied in the Station Nightclub fire.

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[308] Email from David Arnott to John Mina, December 20, 2016, Subject: Letter to owners of Pulse, 11:36 AM, Attachment: Pulse-18A-Letter.pdf; City of Orlando.

There are several legal precedents in Florida case law that could potentially support involuntary manslaughter or reckless criminal negligence charges based on a duty to protect or act, a breach of that duty, causation linking the breach to the harm, and the foreseeability of the risk.[309] These cases typically involve business owners or operators being held criminally liable when they fail to follow safety regulations, leading to the unintentional deaths of others. Even though the proximate cause of death was the shooter, evidence shows that the negligence of the PULSE owners contributed to the overall magnitude of the tragedy, just as improper safety measures did in the Station Nightclub fire.

Any law enforcement agency that claims to have investigated these issues but then fails to interview key witnesses and collect evidence, are not adhering to a standard of care that proper investigations require.

We believe that City of Orlando's failure to investigate these issues properly has undoubtedly led to a violation of our civil rights, including our right to due process. We are continuing to look for ways to remedy this through the criminal justice system.

In the meantime, the civil premises liability case against the PULSE owners is ongoing. However, this is bigger than a civil issue. The evidence in this report has been collected separate and apart from that lawsuit.

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[309] See, Florida Statutes §782.07, §784.05, *McCreary v. State*, 371 So.2d 1024 (Fla. 1979), and *State v. Greene*, 348 So.2d 3 (Fla. 1977).

Chapter 4: Failure, Corruption, Coverup: The True Aftermath of the Pulse Massacre

Cover Up, Collusion, and Public Corruption

The tragedy at PULSE, which resulted in the murder of 49 people, was compounded by the unpermitted renovations and code violations at the illegal club. Investigations conducted by victim advocates, local news media, and even the bad-faith OPD "investigation" confirms that the evidence shows PULSE operated as a nightclub in violation of its approved use and underwent significant renovations without obtaining the necessary permits.

Again, these unauthorized modifications included altering exit doors, constructing new walls, walling over windows, creating narrow hallways, establishing a fenced-in patio bar, and so much more. Permit and building codes are put in place for life-safety issues. The Pomas ignored following those laws. The building was rife with unpermitted changes that hindered evacuation and rescue efforts during the shooting.

Multiple survivors have recounted how these structural issues impeded their escape and rescue, particularly those trapped in the nightclub's bathrooms for the duration of the event. Law enforcement took over three hours to rescue trapped victims and neutralize the shooter — the response was nearly three times longer than that of first responders to the Robb Elementary in Uvalde, Texas, which the DOJ itself called "cascading failures of leadership, decision-making, tactics, policy and training." This comparison is significant as Uvalde has become the national benchmark for catastrophic law enforcement failure during a mass shooting, yet the delay at PULSE was even longer and extended for over three hours before a wall breach was made to rescue victims in the bathroom.

Despite the extensive unpermitted renovations at PULSE, the City of Orlando did not issue citations or take corrective action. This lack of enforcement raises questions about the City's oversight and regulatory practices, including the issues of selective enforcement, preferential treatment for the Pomas who operated a restaurant inside City Hall, and sheer incompetence.

The City's code enforcement issues were even acknowledged by the City's own Commissioner Tony Ortiz on November 14, 2016—months after the PULSE shooting. During a City Council meeting, Ortiz said, "Code enforcement officers… we need that too" in reference specifically to PULSE.[310]

He went on to discuss security at the nightclub and said, "We don't want another tragedy like what we had at Pulse and if an officer is busy dealing with a patron for whatever reason we want to make sure that there is another officer keeping an eye on whatever is going on around there."[311]

When David Arnott, the Mayor's Public Safety Advisor disagreed and claimed nothing could have been done, a position the City and the OPD still holds, Ortiz responded, "I respectfully disagree with that opinion, because I believe that if we had more than one police officer there maybe the outcome would not have been as grave as it was..."[312]

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[310] November 14, 2016. City Council Workshop. City of Orlando. View relevant clip, here: https://youtu.be/7l3c0NsRNbo?si=oKFl_3xzmpAriCy3.
[311] Ibid

Unfortunately, because the City of Orlando improperly concealed records from us and the public for years, we have been denied our right to due process in violation of our civil rights. This has been a clear obstruction of justice. A proper, independent investigation into these issues has never been done and the City has refused to answer any questions about PULSE, including those that it has the answers to.

The Pomas had at least one legitimate grievance against the City: that Detective Adam Gruler abandoned his post at the front door and left PULSE without security despite being hired for that sole purpose. The Pomas did not pursue this dereliction of duty. Instead, they aligned with the City and OPD, forming a mutually beneficial united front that insulated all parties from justified criticism, accountability, and litigation. The Pomas protected the City. The City protected the Pomas. Neither protected the victims, their families, or survivors.

For example, in the aftermath of the tragedy, the City (**particularly the Office of the Mayor**) attempted to downplay and completely conceal its failure to enforce building codes and safety regulations at the nightclub, as shown across numerous media reports from 2016. No law enforcement agency, including the City's own regulatory departments, ever inspected the PULSE Nightclub after the shooting. Again, there is no evidence that the nightclub ever underwent a thorough, complete, and final building inspection, neither before the unpermitted renovations were completed, after the City learned about them in 2010, nor after the City acquired the property in 2023.

Prior to the shooting, obvious code violations at PULSE were ignored by the City, and public complaints about PULSE's violations were improperly closed without accurate inspection or validation using the City's own records. These errors allowed the Pomas to continue to break the law and operate PULSE with known code violations and unpermitted renovations, regardless of the risk these issues posed to the safety of its primarily LGBTQ+ customers.

The pattern of these documented actions strongly suggests a deliberate effort to obscure the City's negligence in ensuring public safety, not just merely a pattern of incompetence.

This pattern could only be established through years of collecting and analyzing public records. As documented evidence came to light, **we also uncovered intricate relationships among City officials, the nightclub's owners, and associated business/legal entities, which together suggest conflicts of interest likely influenced the Office of the Mayor's actions to conceal and lie to the public for a decade.**

In this chapter, we examine the City's attempt to cover up the facts and avoid accountability through abuse of power via following methods:

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[312] Ibid.

1. **Abusing the public records process** through illegal and excessive redaction, charging exorbitant fees, improper oversight and record filtration, and significant delays in producing responding records impeding timely transparency.

2. **Creating false narratives**, lying to the media, purposely and actively spreading misinformation through official channels, and omitting pertinent facts. This also includes refusing to document known violations and bulldozing the evidence.

3. **The abuse and misuse of investigatory power, the failure to conduct a proper investigation, and the violation of due process**.

We also document the glaring conflicts of interest, as well as the personal, profit, and political motives that explain why the Office of the Mayor continues to cover up the facts, revictimize victims' families and survivors, and consistently lie to the public.

The Abuse of the Public Records Process

The City has repeatedly abused the public records process in what could only be an effort to conceal the facts about the unpermitted renovations and life safety code violations at PULSE that obstructed both escape and rescue, as well as the failure of OPD officers to follow Active Shooter Protocol.

The City's tactics have included: (1) applying improper and excessive redactions, even as they released video footage depicting murdered PULSE victims in violation of Florida law; (2) charging unreasonable and exorbitant fees; and (3) deliberately and unnecessarily delaying the release of responsive records—often long after local media attention has shifted or statutes ended, shielding itself from public scrutiny and accountability.

Spurred by the information provided to us privately by Commissioner Patty Sheehan who told us that first responders told her directly that illegal renovations hindered rescue, we first began collecting records in the Fall of 2019. At that time, we were able to slowly compile a list of people from inside the City who were involved in PULSE's code violations, unpermitted renovations, and the shooting response based on the limited records the City released on its Pulse Tragedy Public Records website. We did not know exactly where to look, so we cast a wide net for emails from many of these people, including Heather Fagan, Kyle Shephard, Timothy Johnson, and others. At the time, we were only looking for information on PULSE's unpermitted renovations, code violations, and the photo of the blocked exit that we had no idea existed until Sheehan encouraged us to find it. She was certain that exposing this information would stop Barbara Poma from profiting off the tragedy through the onePULSE Foundation.

At first, the Permitting Department answered all our questions, and the City was not at all combative. However, that all changed, and we were told via a follow-up phone call that no one in the Department could talk about PULSE. For information, we were told we would have to go through the Public

Information Officer (PIO), City Attorney, or Records Department. All avenues except for the Record Department ended up being a dead end, as they refused to answer any questions—including those that the Permitting Division was answering before they were stopped. We are not sure who put an end to that transparency, but we were told by one City employee who whispered into the phone, “We know what you are doing. Keep going!”

Improper and Excessive Redactions

Forced to get information through public records requests through the Records Department, in a matter of months we had access to never-before-released emails. As we went through those emails and their attachments,[313] **we saw that the Records Department gave us one of the emailed attachments completely redacted.**

All pages of the file had a black box with a disclaimer at the top that read: “Confidential. This document was prepared by an agency attorney and reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney and **was prepared in anticipation of imminent civil or criminal litigation and is therefore exempt from disclosure pursuant to S. 11.071(1)(d)1, F.S.”**

This file was a Microsoft Word document, titled “Permitting Timeline 2.docx,” which was **circulated internally *one week* after the shooting**. It was sent from Kyle Shephard, the Chief Assistant City Attorney who helped craft the City’s response to issues surrounding PULSE’s code violations and unpermitted renovations, along with Heather Fagan. Shephard is now Director of Intergovernmental Relations in the Office of the Mayor.

This document was sent to the private GrayRobinson email address of City Attorney Mayanne Downs, who was then President of the law firm in addition to being City Attorney.[314]

We had no idea the contents of this document, but considering its title, that it was completely redacted, and that it was created in preparation for civil or criminal litigation, we figured it must be something damning.

We reached out to the Florida First Amendment Foundation and, with their guidance, requested the document be unredacted and provided the proper reasoning. **From the time we requested the records to the time the City delivered the records, more than seven months passed *and so did the four-year statute of limitations for victims/survivors to file additional lawsuits*.** Florida law did not allow the City to keep this information from the public.

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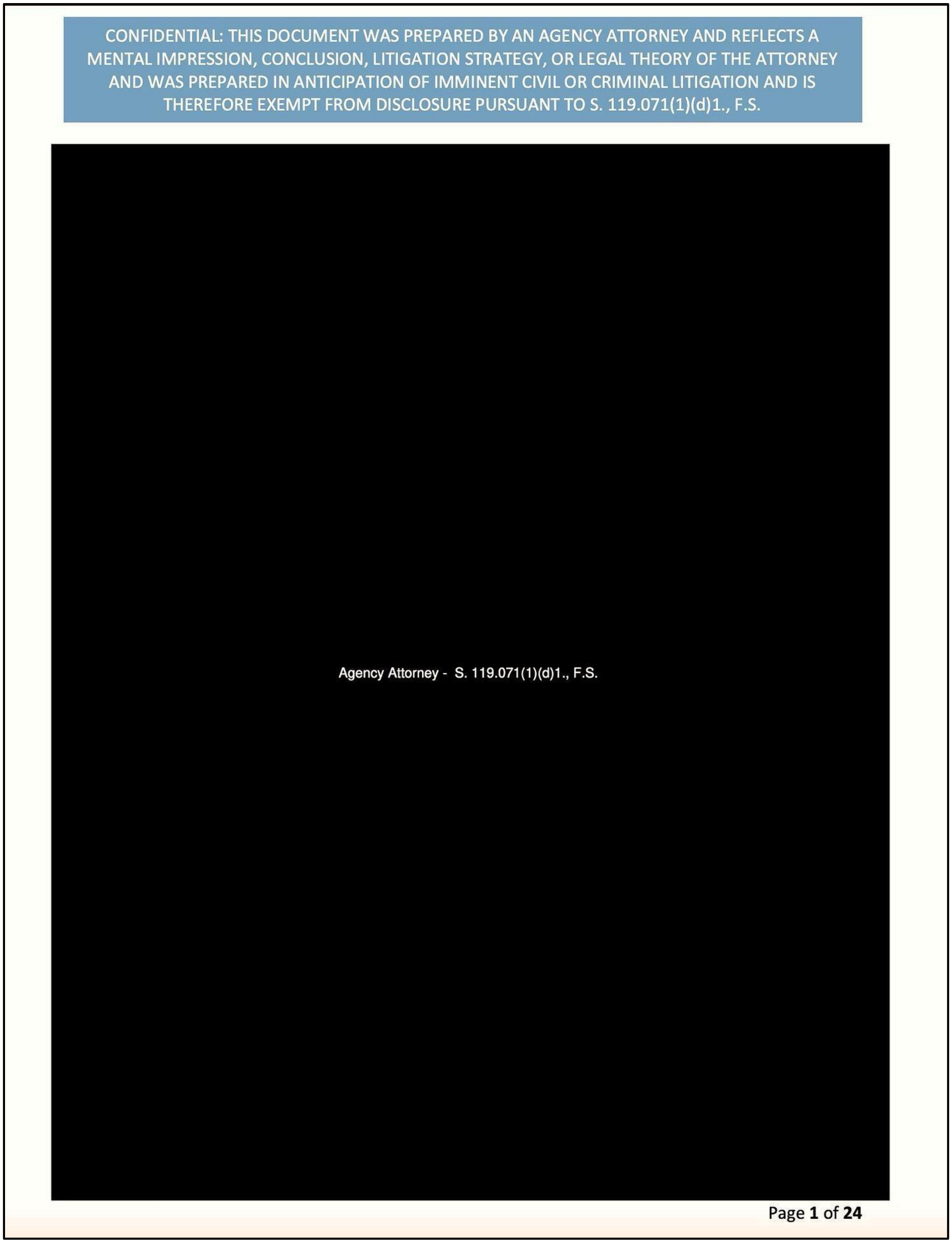
[313] Request 20-1368. Made February 11, 2020, and fulfilled with redactions more than 7 months later on September 24, 2020. We did not get the actual responsive records until October 6, 2020.

[314] Email sent on June 23, 2016, at 1:19 PM. Subject: Permitting/code enforcement/planning/fire timeline. “See attached for the final draft. I've highlighted the interesting entries,” Kyle Shephard wrote.



CONFIDENTIAL: THIS DOCUMENT WAS PREPARED BY AN AGENCY ATTORNEY AND REFLECTS A MENTAL IMPRESSION, CONCLUSION, LITIGATION STRATEGY, OR LEGAL THEORY OF THE ATTORNEY AND WAS PREPARED IN ANTICIPATION OF IMMINENT CIVIL OR CRIMINAL LITIGATION AND IS THEREFORE EXEMPT FROM DISCLOSURE PURSUANT TO S. 119.071(1)(d)1., F.S.

Agency Attorney - S. 119.071(1)(d)1., F.S.

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Page 1 of Permitting Timeline 2.docx: When the Records Department gave us the Permitting/Code Enforcement timeline the first time, the 23-page document was completely redacted on every page. We had to go back and forth with City Attorney Mayanne Downs, guided by the Florida First Amendment Foundation, before the City released the document to us without redactions a month later. See *Appendix M* for the City's un-redacted permitting timeline.

Downs responded personally to this request for the un-redacted records. She then complied and released the document without redactions the following month.

Without the City's redactions, we saw that the "timeline" was a 23-page condensed list of many of the permitting issues at PULSE that the City knew about and had documented, including many of the code violations and unpermitted renovations we outlined in Chapter 2.

The City kept this from us while maintaining the position that PULSE had no code violations and everything at the club was safe.[315] This list clearly showed that PULSE had numerous unpermitted renovations and code violations that the City knew about. If these were not an issue or posed a threat to life safety, the City would not have created this list in preparation for "imminent civil or criminal litigation." The City implicated itself in its efforts to keep this specific record from the public.

Furthermore, this list did not reflect a "mental impression, conclusion, litigation strategy, or legal theory," as the City stated in its reasoning for redacting the document in the first place. **Therefore, it was not even exempt from public disclosure.** It was simply a list of PULSE's code violations, unpermitted renovations, and other issues that contradicted what the Office of the Mayor has said to the public in the years since the shooting.[316]

The City had no legal basis for redacting this list of violations. In making them anyway, the City: (1) bet on our inability to sustain a burdensome public records acquisition process; and (2) successfully delayed its release by more than seven months from the date of the original request.

You can view the City's 23-page list of documented issues at 1912 S. Orange Avenue without redactions in *Appendix M*.

Five years later, in 2025, we encountered multiple other instances of the City trying to keep information from the public through over-redactions and false claims that responsive records were entirely exempt from public release. Specifically, this happened again when we requested Officer Ann Mislang's dash cam video without the City's redactions. We knew from the screenshot that John Mina shared in his 78-page presentation that Mislang's dash cam recorded the movements of Det. Adam Gruler's along Orange Avenue on the night of the shooting. Of course, we only knew this because we acquired that presentation through a public records request and only knew of its existence from reporting in the *Orlando Sentinel*.

At first, the City refused to give us this redacted portion, which is critical because it is the only OPD video recording we have that documents the critical first minutes of the shooting and the police response. Officer Mislang arrived at the scene at 2:04 AM,[317] roughly 3 minutes after the shooting began.

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[315] This is documented in the following section on "Creating False Narratives."

[316] See Appendix M.

[317] OPD Homicide Unit, Supplemental Report. See Appendix G.

Gruler was still outside the building at this time, as additional officers can be seen arriving on Mislang's recording. It is estimated that Gruler did not enter the nightclub for roughly 11 1/2 minutes, despite being the first and only officer on scene when the shooting began.

The City denied our request and stated:

> *Please be advised the police department's position is that the previously redacted portion of Officer Mislang's dash camera recording does, in fact, depict the death of victims of an incident of mass violence. Those portions are therefore confidential and exempt pursuant to F.S, 119.071(2)(p)(2) & F.S. 406.136(2) (2015).*[318]

We knew, according to State Attorney Aramis Ayala's shoot review, that no victims were shot by Gruler. We also knew from various documentation that no victims were killed on this side of the club that would have been documented in the visual frame of Mislang's dash cam. Only one victim, Jean Carlos Mendez Perez, was killed in the unpermitted outdoor patio that was fenced in with the illegal fence and because of that fence, we knew that he would not have been seen in Mislang's video.

After multiple attempts to get this footage, we pressed the City further via email after they closed the request after citing "No Responsive Records." We again asked for this portion of the recording after it became known that they interpreted the sound of gunfire as depictions of the death of victims of an incident of mass violence. Thus, we asked for the footage muted and with the visual recordings un-redacted.

The Records Department responded:

> *The records can be released after the required review and redaction, as there are portions that record the sound of gunfire emanating from inside Pulse. Per prior court rulings regarding the sound of gunfire and Pulse, these sounds do depict the killing of victims of mass violence, and thus, the specific audio is confidential and exempt. The redactions will be to mute the audio when the sound of gunfire can be heard coming from inside Pulse. Please advise if you would like to proceed with a cost estimate.*[319]

After applying this consistent pressure on the City through multiple separate formal requests and multiple emails,[320] the Records Department agreed to release the footage muted, something the City should have done when this footage was originally released on May 31, 2019. The cost to mute 30 seconds of previously unreleased police dash cam video was $22.63.

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[318] Request 24-2306. City of Orlando.

[319] Request 25-2065.

[320] Request 24-2306, Request 25-2065. See Email between Zachary Blair and Records Department, Subject: "Please Re-Open the Following Requests in NextRequest: 24-11738, and 25-2065, 25-2052," March 10, 2025, City of Orlando.

From the beginning, the City should have only redacted the portions of records that can legally be redacted, rather than redacting entire portions of the video or keeping records from the public entirely. The City also failed to release a redaction log, which made it impossible to understand what was redacted and the specific statute that justifies those redactions. Thus, we thought that this is where the road ended and we would never get the full recording.

But we were wrong.

In April 2026 we received surveillance footage in response to a public records request with the Florida Department of Law Enforcement. This file package also contained Mislang's dash cam video with the sound of gunfire intact. **This footage—with the sound of the shooter's gunfire—is damning**.

The FDLE, like other agencies, didn't consider the sound of gunfire to be a "depiction of a victims' death." The FDLE's priority, however, was in protecting the identity of Gruler, as the agency blurred his face in the recording it released to the public. This recent release also shows that Florida's Sunshine Laws that govern public records are not applied consistently across public agencies and that records can be concealed in the gap between what the law requires and what agencies choose to produce.

Furthermore, when getting access to every record takes months, a year, or even more, this is not transparency. The law assumes the agencies will produce records in "good faith" and there are no time limits imposed for public agencies to deliver responsive records. This is another advantage public agencies have. The public records process also inherently notifies the City of what matters and records the public are interested in before they are made public. The City has the power to stall, redact, and manufacture a public relations strategy prior to releasing a single file to the requester. Thus, the City always has the advantage and can easily thwart public accountability.

The City kept Mislang's dash cam footage from the public and successfully did so for many years. This is because the footage shows Gruler's movements away from the nightclub in the first critical minutes of the shooting. Gruler did this despite Active Shooter Protocol and Priority of Life training requiring officers to enter the building when people are still inside, move towards the sound of gunfire, and stop the killing. Gruler knew victims were being killed inside, and he watched them get shot from outside of the nightclub as he took cover behind parked vehicles and aimed towards the shooter at a distance he admitted was likely ineffective. This footage directly contradicts what John Mina said happened in the days, weeks, and months after the shooting It also directly contradicts the conclusions made by the Police Foundation.

When it came to police body cam footage, on June 18, 2021, we became aware that the City of Orlando had 20 hours of video recordings from police body-worn cameras.[321] Again, only a portion of these 20 hours were released to the public.[322]

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[321] Request 21-2777. City of Orlando.

[322] Pulse Tragedy Public Records. City of Orlando. https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records.

Between 2020 and 2025, we sent 27 different public records requests for different redacted portions of body cam footage. The City refused all of these requests, with the most common reason being:

> *…all releasable portions of the video have been previously made available on the City's Pulse records website located at https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records. Redactions in this video were made pursuant to F.S. 119.071(2)(p).*[323]

We would not accept the City's refusal, as police camera recordings and PULSE's CCTV surveillance camera footage are the only pieces of evidence that documented the police response in real time. So, to get access to as much primary data as we could, we requested just the audio recordings of police body cam footage. We knew that the shooter's rifle jammed in the first approximately 4.5 minutes, so the City's redactions had to have been based on visual depictions of murdered victims and not audio "depictions." Thus, we knew that accessing the body cam audio recordings would provide a more complete account of the police response. **We were charged $2,306.90 for this request.[324] It took one year, seven months, and 28 days before responsive records were released.**

Based on the audio, our first-hand knowledge of the nightclub's layout, and where we know police officers and victims were located during the response, we continue to question the legality of the City's redactions. Remember, law enforcement officers were not required to wear body-worn cameras at the time of the PULSE shooting, so there were already significant limitations to the evidence collected through the police's body-worn cameras.[325] Partial redactions—such as blurring out victims rather than full-frame blackouts and editing-out full portions of the recordings—are not optional but are required by law. We don't believe we will be able to get any additional police body cam footage out of the City of Orlando without significant additional investments in time and money. The Orange County Sheriff's Office has refused to provide footage beyond the selected 35 clips it released to the media in November 2016.[326]

There are numerous other records that the City released with redactions, which we have asked to be unredacted. For example, in **Request 24-13705** we requested various reports to be given to us unredacted nine years after the shooting. The City responded with:

> *With respect to the request for an unredacted homicide report: An unredacted version will never be releasable. The redactions to the homicide report are pursuant to:*

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[323] For example, see Request 22-10255. City of Orlando.

[324] Request 21-2777. City of Orlando.

[325] In 2021, the OPD upgraded their body-worn cameras, and, in 2024, they established a new Policy and Procedure for Mobile Video Recording Systems. See: https://www.clickorlando.com/news/local/2021/08/26/orlando-police-in-final-stages-of-upgrading-body-cameras-for-all-officers/ and https://www.orlando.gov/files/sharedassets/public/v/8/documents/opd/policies-and-procedures/police-operations/1140.11-mobile-video-recording-systems.pdf.

[326] Request No. 26-13765.

> *F.S. 119.071(2)(d) - Information revealing surveillance techniques or procedures or personnel is exempt.*
>
> *F.S. 119.071(4)(c) - Information revealing undercover personnel of any criminal justice agency is exempt.*
>
> *F.S. 119.071(2)(p) - A photograph that depicts or records the killing of a victim of mass violence is confidential and exempt.*
>
> *None of the redactions were for active criminal investigative information. The passage of time does not impact the applicability of cited exemptions.*
>
> *With respect to the supplemental reports, If you would like the department to re-review those supplemental reports to determine if less redacted versions are releasable, It would require 45 minutes of review time at $17.56 for a total of $13.17. Please advise if you would like to proceed with a formal cost estimate.*

While we understand Florida law (Chapter 119), we do not agree with the City of Orlando's determinations and have shown, repeatedly, how the City's redactions are not upheld by the law and that withheld records can, and should, be released. The City's practice of redacting entire images, sections, recordings, or pages of a document rather than just the portion that can legally be redacted is troubling – as is the City's repeated failure to disclose what is being withheld by failing to provide redaction logs and slip sheets upon delivering responsive records. Most often, after the City is challenged and they cannot provide a legal justification to keep these records redacted, the City complies with the request.[327] **However, it is only because of our persistence that the public now has access to these records.**

There are additional documents with redactions that we believe the City of Orlando cannot legally redact, including a 2015 Active Shooter training presentation used to train the OPD prior to the PULSE shooting. We asked for the Active Shooter training materials on February 18, 2025,[328] after reading a report by the *Orlando Sentinel*, which stated:

> *After repeated requests by the Orlando Sentinel, the City of Orlando would not release OPD's policies and procedures for responding to active shooters, hostages and barricaded subjects, citing a public records exemption for "any comprehensive inventory of state and local law enforcement resources.*[329]

When we asked for Active Shooter training records,[330] we received a nine-slide presentation with numerous redacted lines of text. The surrounding unredacted text suggests that the redacted portions would provide valuable insight to the public regarding how the OPD was trained to respond to an Active Shooter situation in the months prior to the shooting that unfolded at PULSE.

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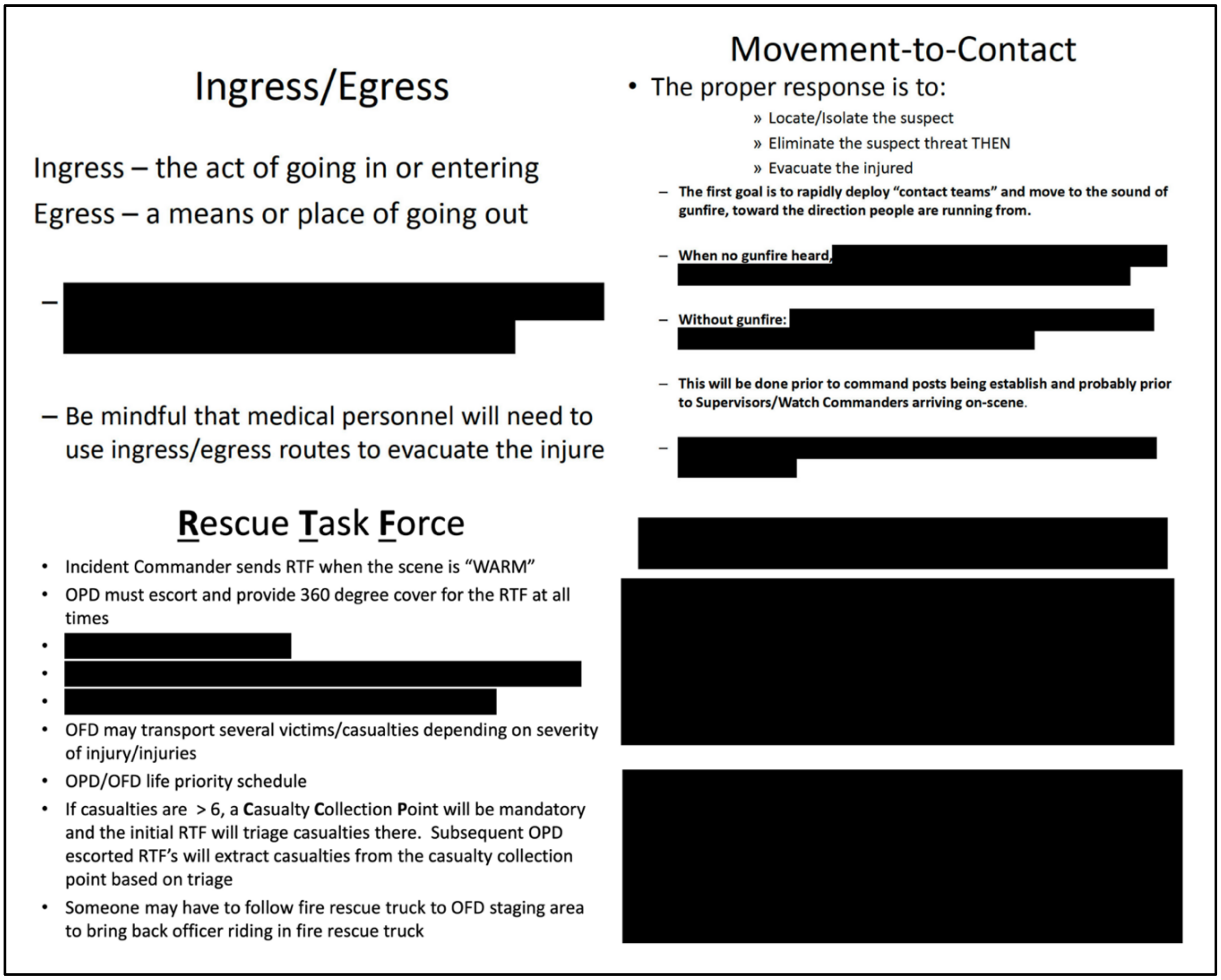
[327] Request 25-3241. City of Orlando.

[328] Request 25-2609. City of Orlando.

[329] "Witnesses: Pulse shooter roamed club throughout ordeal," Christal Hayes, David Harris, and Elyssa Cherney, Orlando Sentinel, August 23, 2019, https://www.orlandosentinel.com/2016/06/25/witnesses-pulse-shooter-roamed-club-throughout-ordeal/.

[330] Request 25-2609. City of Orlando.

However, **slides pertaining to egress, what to do if no gunfire is heard, and what to do so victims get medical care as quickly as possible in accordance with a "life priority schedule"—were all redacted**. While we have exposed issues of egress and the first responding police officers failing to follow Active-Shooter protocol, others (like the investigative journalists at ProPublica) have uncovered failures pertaining to not getting victims emergency care within the standard timeframe.[331]



Ingress/Egress

Ingress – the act of going in or entering

Egress – a means or place of going out

– [redacted]

– Be mindful that medical personnel will need to use ingress/egress routes to evacuate the injure

Rescue **T**ask **F**orce

- Incident Commander sends RTF when the scene is "WARM"
- OPD must escort and provide 360 degree cover for the RTF at all times
- [redacted]
- [redacted]
- [redacted]
- OFD may transport several victims/casualties depending on severity of injury/injuries
- OPD/OFD life priority schedule
- If casualties are > 6, a **C**asualty **C**ollection **P**oint will be mandatory and the initial RTF will triage casualties there. Subsequent OPD escorted RTF's will extract casualties from the casualty collection point based on triage
- Someone may have to follow fire rescue truck to OFD staging area to bring back officer riding in fire rescue truck

Movement-to-Contact

- The proper response is to:
  - » Locate/Isolate the suspect
  - » Eliminate the suspect threat THEN
  - » Evacuate the injured

– **The first goal is to rapidly deploy "contact teams" and move to the sound of gunfire, toward the direction people are running from.**

– **When no gunfire heard,** [redacted]

– **Without gunfire:** [redacted]

– **This will be done prior to command posts being establish and probably prior to Supervisors/Watch Commanders arriving on-scene.**

– [redacted]

[redacted]

[redacted]

[redacted]

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[331] "Outside Review Faults Orlando Fire Department Policies and Mistakes in Pulse Shooting Response," Abe Aboraya (WMFE), *ProPublica*, November 16, 2018, https://www.propublica.org/article/outside-review-faults-orlando-fire-department-policies-and-mistakes-in-pulse-shooting-response; "Orlando Paramedics Didn't Go In to Save Victims of the Pulse Shooting. Here's Why," Abe Aboraya (WMFE), *ProPublica*, September 26, 2018, https://www.propublica.org/article/pulse-shooting-orlando-tragedy-response-plan. Also see, "Fatal Wounding Pattern and Causes of Potentially Preventable Death Following the Pulse Nightclub Shooting Event," *Prehospital Emergency Care* 22(6), April 25, 2018, https://www.tandfonline.com/doi/abs/10.1080/10903127.2018.1459980?journalCode=ipec20.

Redacted slides from a nine-slide presentation on the OPD's 2015 Active Shooter training: The City of Orlando refused to provide an unredacted version despite our request.[332]

The Florida law that the City cited for these redactions was likely the same that they provided to the *Orlando Sentinel* six years earlier:

> Redactions as per *F.S. 119.071(2)(d) – Comprehensive policies or plans pertaining to mobilization, deployment, or tactical operations are exempt.*

However, we argue that these few lines of texts on these nine slides do not represent anything "comprehensive."[333] Furthermore, the City later released other portions of these slides in another release—showing that the City is not even consistently applying its own interpretation of the law to its own records. Another issue is that these redactions are part of national Active Shooter Protocols and law enforcement strategies, which have been widely known, discussed, and published.

On March 19, 2025, we let the City of Orlando know that we will be seeking a court order to view this presentation and other training materials, in addition to photographs and video recordings, as necessary for the public review of government performance. On November 7, 2025, we filed a public records lawsuit against the City for these records—as well as the photo of the blocked exit without the City's redactions of blood to show that that photograph was also withheld improperly from the public for nine years and in violation of the law.[334]

Again, the purpose of the exemptions pertaining to mass violence in Florida public records law is not to allow local governments to withhold critical information from the public, effectively stalling accountability and impeding justice. Rather, the primary reason is victim privacy and protection, as well as ensuring nothing is released that would compromise an active investigation or create security concerns.

Specifically, under Florida law, there is an exemption for records related to mass violence incidents, which allows law enforcement to withhold from public disclosure any photographs, video, or audio recordings that depict the killing of a victim of mass violence, defined as an incident where four or more people are killed.[335] However, there are exceptions and methods for obtaining records deemed confidential that the City will not release.[336] Unfortunately, these methods are costly and require court intervention.

When Christine Leinonen, mother and legal heir of Christopher Leinonen, requested unredacted photographs and video recordings, including police body camera footage, the City of Orlando refused to provide them.[337] The City claimed that Florida law only entitles family members to records depicting their individual loved one, not broader recordings or photos that show the mass violence incident as a whole. We believe this interpretation is contrary to both the letter and the intent of the law, which is to provide those directly impacted with access to records pertaining to the crime that directly affected them, which the general public is not given access to. For the City to also keep records away from the victims/survivors is an injustice, especially when this exemption only exists to protect mass violence victims—not prevent them from accessing the facts that could lead to litigation.

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[332] See emails between Dr. Zachary Blair and Records Department (Stephanie Herdocia) sent in March 2025. Example, email sent on March 17, 2025, 10:24 AM, Subject: 25-2609. City of Orlando.

[333] "Scenario Based Training: Active Shooter and Casualty Rescue (Rescue Task Force) with OFD." Presentation. 2015. Slide 4. City of Orlando. Request 25-2609.

[334] 2025-CA-011023-O: Zachary Blair v. City of Orlando.

[335] See Chapter 119, Public Records Law, *Florida Statutes*, http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0119/0119.html.

[336] See *State Attorney's Office v. Cable News Network, Inc*., 251 So.3d 205 (Fla. 4th DCA 2018)

Florida law defines the "killing of a victim of mass violence" as including all acts or events that cause or otherwise relate to the death of the victim. In the context of a mass violence incident, where victims are killed in close proximity and events unfold rapidly, it is impossible to isolate depictions of a single victim without understanding the full scope of the incident — including the actions of law enforcement and the physical conditions inside the nightclub. The very purpose of granting families access to these records is to allow them to understand the full circumstances surrounding their loved one's death, not to limit their access to selectively edited or isolated clips.

By interpreting the law in this narrow and self-serving way, the City of Orlando is not only denying victims' families their rights but also undermining the accountability and transparency that Florida's public records laws were designed to ensure — particularly in cases of mass violence where public trust and institutional accountability are paramount.

Florida law also states that "the court, upon a showing of good cause, may issue an order authorizing any person to view or copy a photograph or video recording that depicts or records… the killing of a victim of mass violence...such disclosure is necessary for the public evaluation of governmental performance." Our families and survivors should not have to keep filing lawsuits for the records we should already have access to. This is not only time consuming and costly, but it also further delays the release of records.

Unreasonable and Exorbitant Fees

In addition to excessive and illegal redactions, another issue with accessing information that should be publicly available to all victims/survivors is the excessive fees that the City has imposed on public records requests. To get access to the City's records for the public inspection of government performance, we had not only had to relentlessly pursue these records and navigate the City's withholding attempts, but we also had to have deep pockets.

Since 2019, we have spent over $11,000.00 on public records just from the City of Orlando. This is the cost charged to the taxpayer just to access the facts surrounding our own crime that our own local government kept hidden all these years. This alone is an injustice and an unfair burden placed on victims/survivors of mass violence, especially after experiencing one of the deadliest and most horrific crimes in U.S. history.

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[337] Requests 22-3619 and 22-3528.

Many of our requests were too expensive and had to be abandoned. A number of these unpaid requests—and several requests we paid for—cost more than $1,000.00, including:

- **26-2264** — $2,195.44 — all payments made by the City of Orlando to do the DownsAaron law firm (to date) and copies of invoices submitted to the City by the DownsAaron law firm.
- **25-13083** — $4,880.00 — all the records that the City recently handed over to FL DOGE (Blaise Ingolia).
- **25-5794** — $1,254.96 — All Microsoft Teams messages with the keyword "Blair."
- **25-5793** — $1,494.00 — All Microsoft Teams messages with the keyword "Pulse."
- **23-5947** — $8,307.02 — for emails sent from or to Ron Legler, former co-owner of PULSE. We refined the parameters to reduce the cost, and the updated cost was $3,422.02.
- **22-5245** — $6,335.80 — to get all case files for Case 2016-242039 (PULSE shooting) that have not been released to the public.
- **21-2778** — $1,202.98 — to get files from a flash drive. Was refined the parameters to reduce the cost to $374.65 (PAID).
- **21-2777** — $2,306.90 (PAID) - Police Body Cam AUDIO ONLY
- **20-5832** — $1,217.40 (CLOSED, UNPAID, UNFULFILLED) — To get only one week's worth of emails from Ruth McLemore Price (Record supervisor) following the shooting.
- **20-5795** — $1,623.20 (UNPAID, CLOSED, UNFULFILLED) - To get only one week's worth of emails from Roderick S Williams (former Fire Chief - scandal) following the shooting.
- **20-3791** — $1,014.50 (UNPAID, CLOSED, UNFULFILLED) - To get only one week's worth of emails from Cassandra Lasfer (PIO) following the shooting.
- **19-7031** — $1,137.90 (UNPAID, CLOSED, UNFULFILLED) — To get official total count of victims/survivors. The City has since stated that they do not have a victim/survivor count and that "[t]he exact number of occupants inside Pulse on the night of June 12, 2016, is unable to be accurately determined."[338]

No other government or responding law enforcement agency has charged us anywhere near the amounts that the City of Orlando has charged—or has tried to charge—for public records related to PULSE. There were a number of instances where we paid more than $200 to process records requests that resulted in "No Responsive Records" (i.e. Request No. 25-5795).

Other cost estimates were so grossly inflated they could not be taken seriously as good-faith estimates. For example, while researching the City's records, we saw a fulfilled request for an email list. We learned that an email list was a spreadsheet that contained a listing of limited data associated with a batch of defined emails, notably the date, time, subject line, sender, and receiver. Since some of the most valuable information we received was discovered by scouring through random emails, our research efforts could have been streamlined if we had access to the email lists of people involved with PULSE.

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[338] OPD Final Report, Case #2023-00205852. See, Appendix A.

So, we requested defined email lists.

We submitted two separate public record requests for email lists, 23-8306 and 23-8308. Request No. 23-8306 was for 23 different people sent between the months of June 12, 2016, and October 30, 2016—just four months of emails. This request was fulfilled for the cost of $676.36.

Request 23-8308 covered the emails of 17 different people sent between June 1, 2010, and October 15, 2010. Again, just four months of emails. **The City of Orlando said the cost** of 23-8308 **would be** over a half a million dollars at staggering ***$630,374.83***.

This means that the City wanted to charge us 932 times more than what they charged us for Request 23-8306, which encompassed six additional email accounts than Request 23-8308. It appeared to us **to be punitive and an attempt to thwart our efforts**, as we were uncovering the code violations and illegal renovations at this time. We were going public with those discoveries and gaining a lot of media attention.

We immediately gave this cost estimate to reporters who were flabbergasted and appalled by the cost, with some saying it may be the highest amount for a public records request in history.

Once the media began asking questions, the City Clerk, Stephanie Herdocia sent a letter to Dr. Zachary Blair explaining that the high cost was because "these lists, containing hundreds of thousands of lines of information, require review for confidential and exempt information." Considering the scope of the request, the "hundreds of thousands of lines of information" that Herdocia was referring to had to be the subject lines of emails.

If City employees were sending confidential and exempt information in the subject lines of their emails, this would point to an extremely problematic practice at the municipal level.

Furthermore, Herdocia claimed that performing the technology search to generate four months of emails lists from 17 accounts "took more than 6 hours, easily exhausting the 30-minute courtesy period we extend to requesters." This is ludicrous. If the City does not have the technology or City employees lack the training to simply and automatically export these email lists, given specific and narrow parameters, this kind of cost should not be passed on to the taxpayer.

As a result of this outrageously excessive cost estimate, the City decided to "update" and "enhance" its records process by requiring an additional "initial fee for the technology search being performed, followed by an additional estimate for the time necessary to review the technology search results."[339] Thus, **the City's response to the pushback it received *was to charge more fees*.**

On January 22, 2026, we submitted a new request to re-analyze the cost of the $630k+ request.[340] As of

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[339] Letter from Stephanie Herdocia, City Clerk, to Dr. Zachary Blair. October 13, 2023, City of Orlando.

[340] Request No. 26-1774.

May 28, 2026, we have not received that new cost analysis and estimate.

Delaying the Release of Public Records

In addition to excessive redactions and fees, the City of Orlando also instituted excessive wait times for the fulfillment of record requests. A seven-month wait for record requests was typical for the City of Orlando, but many requests took significantly longer.

If investigators look at NextRequest, the platform that the City of Orlando uses to process public records requests, they would be able to view the turnaround time for all of our public records related to PULSE and would discover a pattern of unreasonable delays.

By frequently drawing out the public records process, the City effectively dissuaded investigative journalists and prevented news stories from breaking in a timely manner, when these issues were most relevant, and with the most complete information and within the statute of limitations for our families to file a legal complaint.

The City's delays also stalled our own investigations and created a backlog of requests that became a challenge to track and manage. The delayed release of records is clearly a tool used to not only withhold records, but to manipulate the media and shape public perception.

A recent example of the strategic and unnecessary delay in the release of public records can be found with **Request 24-16007**, which was simply for survey data collected by Dr. Larry Schooler, who was hired by the City to facilitate the Pulse Memorial Advisory Committee. We already knew that relatively few survivors and families have been engaged in the City's memorial process, despite City officials consistently claiming to be engaged with "many" victims' families and survivors and were utilizing their feedback to inform the memorial design. We wanted the public to see just how little engagement there was between the City and victims/survivors by posting these survey results on our social media pages and websites.

Our request, which was made on November 21, 2024, was not fulfilled until February 12, 2025 (83 days later)—**after the PULSE Memorial Advisory Committee had their last meeting, after the final memorial design was decided, after it was presented to the public, and a week after all reporting on the city's proposed memorial was done.**[341]

In other words, the City strategically released this requested data a full week after reporting on the memorial committee's design was completed and announced to the public (February 5, 2024), ensuring that the actual data could not be incorporated in any of the reporting.[342]

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[341] "Orlando's Pulse Memorial final design moves forward," Gail Paschall-Brown and Mike Gramajo, *WESH 2*, February 5, 2025. https://www.wesh.com/article/final-design-orlandos-pulse-memorial-moves-forward/63670023.

The data consisted of just four Excel sheets, showing 14 respondents (some being City of Orlando employees).[343] A concerningly limited number of respondents were family members of the deceased and survivors. This record should have taken seconds to export and minutes to fulfill. **The City took 83 days** to get that information to us

Furthermore, the City claimed it would be totally transparent throughout the memorial process and even created a website to perpetuate this illusion.[344] City officials should have released this data to the public as soon as it was collected and the survey was completed, without us having to go through the NextRequest platform.

Rather than admit the City was unsuccessful in actively engaging the majority of the victim base in their memorial design process, City officials continued to mislead the public into thinking their memorial process was being led and approved by victims' families, the majority of whom the City never engaged with and even rejected parents of murdered children from being on the Memorial Advisory Committee.[345]

Then, the City delayed the release of records to prevent the facts from getting out and being reported, as this one record would have contradicted the City's misrepresentations. It should not take 83 days to release four spreadsheets with very few lines of data automatically generated from a digital survey—none of which were exempt from public disclosure.

In the six-year period that we have requested records, the City consistently failed to provide records in a timely manner. Because of the City's delays, victims' families and survivors were unable to exercise their due process rights.

It became apparent, the City's actions and public statements were no longer about the crime, but about their cover-up, reputation management, and controlling the narrative.

Accessing public records from government agencies, whether local, state, or federal, has been an ongoing challenge, however, some agencies have been better than others in responding timely, with low-cost barriers, and sometimes completely free of charge.

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[342] "Pulse committee to present renderings to city officials Feb. 24," Maria Serrano and Sasha Teman, Spectrum News 13, February 5, 2025, https://mynews13.com/fl/orlando/news/2025/02/04/pulse-memorial-advisory-committee-to-present-final-design-plans-to-city.

[343] See Records Request #24-16007, File Name: 24-16007_Preferences_For_Pulse_Memorial_Elements.

[344] https://www.pulseorlando.org/Home.

[345] The City released statements using keywords that exaggerated the engagement of victims/survivors, such as "a collaborative approach," "the collective vision of victims' families, survivors, and the broader Orlando community," and claiming the final design "gained a consensus among committee members, survivors, and families of the victims." See: https://www.pulseorlando.org/Memorial/Participate/.

For years, the FBI declined to release footage from the 15 CCTV surveillance cameras located inside and outside of PULSE that recorded the entire shooting and police response, including victims/survivors being trapped and unable to escape quickly and without obstruction.[346] We have requested these records from the FBI multiple times over the years; the denials have been for different reasons: (1) the case/investigation still being open and active (more than four years after the shooter was killed by law enforcement); and (2) victim privacy.

This footage is important because we know it documents how PULSE's code violations impeded escape, such as the fence having to be kicked in for trapped survivors to get to freedom. Furthermore, the continued withholding of surveillance footage has allowed even claims that lack substantiating evidence and have been reasonably discredited by the City of Orlando and the FBI to continue circulating publicly, fueling speculation and conspiracy theories in the absence of transparency. The release of the underlying evidence would allow the public to independently assess the facts and help put many of these unsupported claims to rest.

When we met with the FBI in June 2025 in downtown Orlando, we asked about being able to get this footage and even referenced the DOJ's release of Exhibit 100 where victims' bodies were blurred to protect their identities. We were told that even though the case was still open, we should re-submit our request for the surveillance footage. We did exactly as we were told and, following that meeting, our request was no longer denied and is currently being processed.

The FBI stated that it only possessed one hour and 31 minutes of surveillance footage and that the request will take *at least* 67 months (over 5.5 years) to process. Thus, we should not expect to have access to the evidentiary record until 2030 at the earliest.

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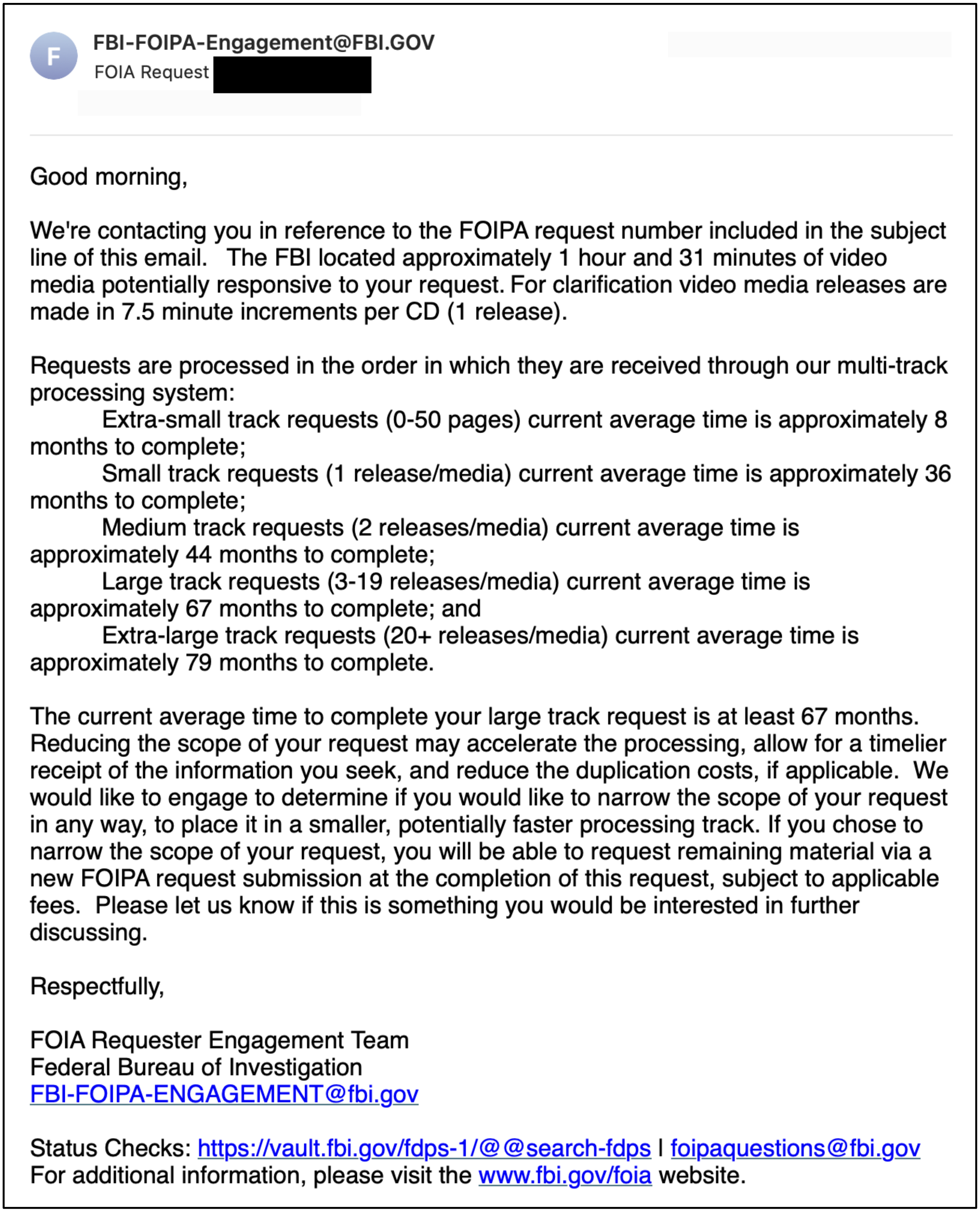
[346] We know there were 15 CCTV cameras because this was stated by the OPD, who was allowed to review the footage, even though it remained in the custody and control of the FBI. This was stated on page 3 of the 34-page *Supplemental Report* written by Detective Chris Haas dated June 12, 2016, for Case Number: 2016-242039. Floorplans of PULSE with its CCTV cameras circled was also emailed to James Woolsey (Brevard County Sheriff's Office) by David Arnott in the days after the shooting.



FBI-FOIPA-Engagement@FBI.GOV
FOIA Request [redacted]

Good morning,

We're contacting you in reference to the FOIPA request number included in the subject line of this email. The FBI located approximately 1 hour and 31 minutes of video media potentially responsive to your request. For clarification video media releases are made in 7.5 minute increments per CD (1 release).

Requests are processed in the order in which they are received through our multi-track processing system:

Extra-small track requests (0-50 pages) current average time is approximately 8 months to complete;

Small track requests (1 release/media) current average time is approximately 36 months to complete;

Medium track requests (2 releases/media) current average time is approximately 44 months to complete;

Large track requests (3-19 releases/media) current average time is approximately 67 months to complete; and

Extra-large track requests (20+ releases/media) current average time is approximately 79 months to complete.

The current average time to complete your large track request is at least 67 months. Reducing the scope of your request may accelerate the processing, allow for a timelier receipt of the information you seek, and reduce the duplication costs, if applicable. We would like to engage to determine if you would like to narrow the scope of your request in any way, to place it in a smaller, potentially faster processing track. If you chose to narrow the scope of your request, you will be able to request remaining material via a new FOIPA request submission at the completion of this request, subject to applicable fees. Please let us know if this is something you would be interested in further discussing.

Respectfully,

FOIA Requester Engagement Team
Federal Bureau of Investigation
FBI-FOIPA-ENGAGEMENT@fbi.gov

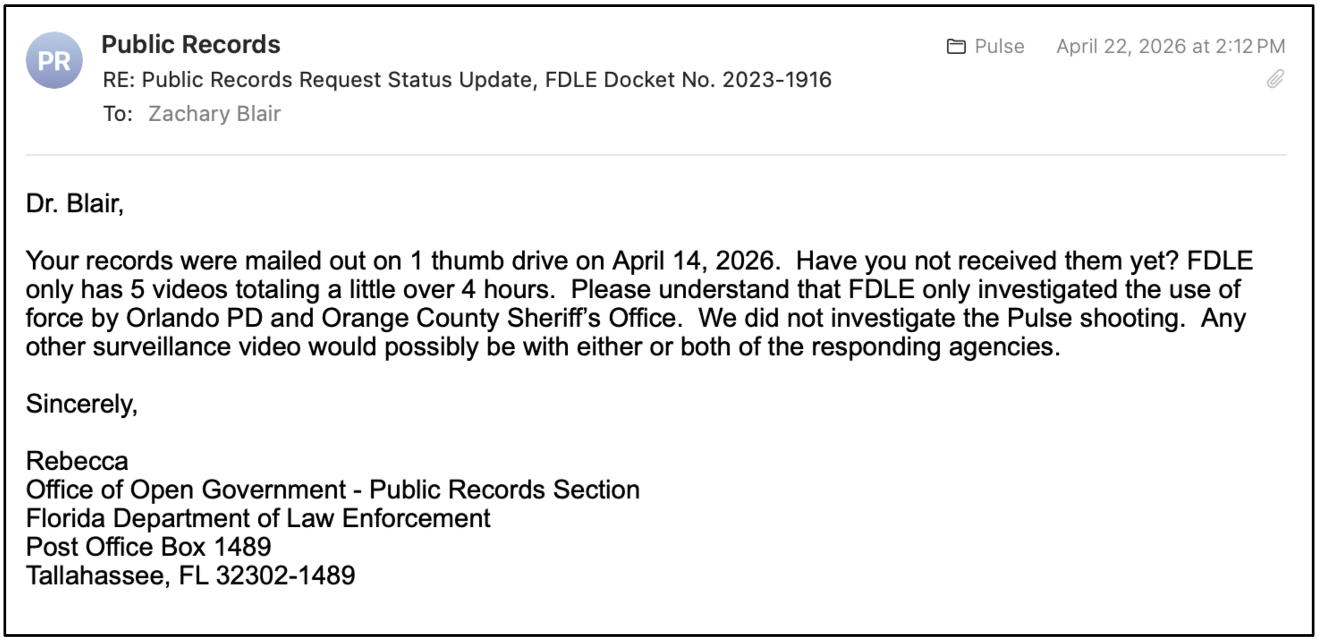
Status Checks: https://vault.fbi.gov/fdps-1/@@search-fdps I foipaquestions@fbi.gov
For additional information, please visit the www.fbi.gov/foia website.

Response to 2025 FOIA Request to FBI for PULSE Surveillance Footage: Shows files will not be released for at least 67 months.

In 2025, we also learned that the FDLE was given surveillance footage, and we submitted a request to them. This request took a substantial amount of time to process and required consistent pressure to release these files.[347] However, in April 2026, we received them. Of the four hours of surveillance footage the FDLE provided, we already had within our possession the majority of the footage, which included Officer Mislang's dash cam video, pole camera footage, and aerial helicopter footage.

The FDLE only had possession of 19 minutes of footage from PULSE's CCTV cameras. This was never-before-released by any other agency and, as far as we know, the FDLE was the only State agency to possess this particular clip and the FBI was very selective in how other agencies accessed and reviewed the nightclub's surveillance footage, which we know from the State Attorney's return of evidence and the FBI's restrictions placed on the OPD's review as documented in the Homicide Report (Appendix G).

The FDLE's Records Department made clear that the scope of its investigation was limited to its Internal Use of Force investigation and that they did not investigate the PULSE shooting or any other issues, including those that we have raised publicly for the past decade.



Public Records

RE: Public Records Request Status Update, FDLE Docket No. 2023-1916

To: Zachary Blair

Pulse April 22, 2026 at 2:12 PM

Dr. Blair,

Your records were mailed out on 1 thumb drive on April 14, 2026. Have you not received them yet? FDLE only has 5 videos totaling a little over 4 hours. Please understand that FDLE only investigated the use of force by Orlando PD and Orange County Sheriff's Office. We did not investigate the Pulse shooting. Any other surveillance video would possibly be with either or both of the responding agencies.

Sincerely,

Rebecca
Office of Open Government - Public Records Section
Florida Department of Law Enforcement
Post Office Box 1489
Tallahassee, FL 32302-1489

April 22, 2026, Email from FDLE: States that the "FDLE only investigated the use of force by Orlando PD and Orange County Sheriff's Office. We did not investigate the Pulse shooting."

This clarification is important because **for years the City has responded to our calls for an independent investigation into these unresolved issues with false insinuations that these issues have already been investigated but they have not**.

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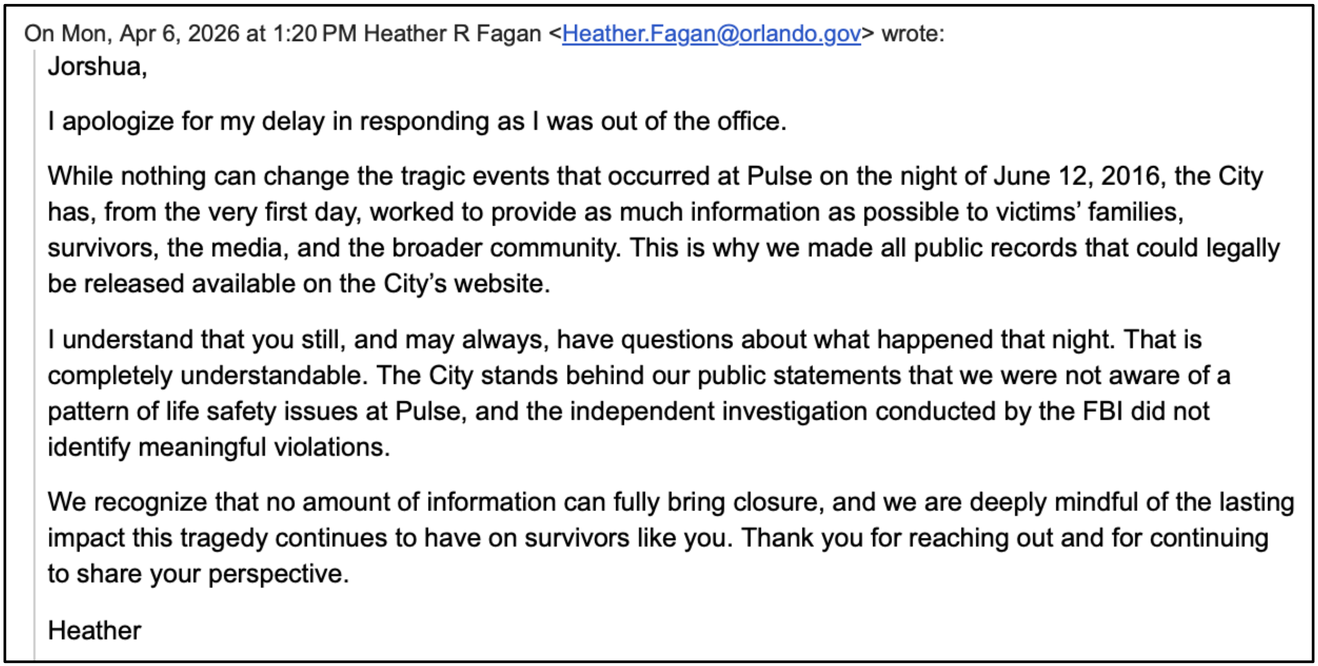
[347] Records request sent via email to publicrecords@fdle.state.fl.us on February 19, 2025. Subject line: Request for Surveillance Footage of the Pulse Shooting, Orlando, Florida, June 12, 2016. A follow-up email was sent on March 7, 2025.

Most recently, Chief of Staff Heather Fagan responded to a PULSE survivor's list of unanswered questions with statements that were false. Among them: "we are not aware of a pattern of life safety issues at Pulse, and the independent investigation conducted by the FBI did not identify meaningful violations."

This statement is purposely misleading.

First, the word "pattern" is doing deliberate work in Fagan's statement and has been used in the City's denials of issues at PULSE since 2016. **We have documented that pattern of documented violations using the City's own records and City attorneys even documented this pattern themselves in their 23-page list of code violations created in preparation for imminent civil or criminal litigation (Appendix M).** The City continues to maintain that it is "unaware" of this pattern—a position that is difficult to reconcile with the information documented in the City's own records and internal communications. More importantly, establishing a pattern is not required to establish that violations existed on June 12, 2016. The pattern only makes the negligence harder to deny.

Second, the FBI did not identify meaningful violations because those issues were explicitly outside the scope of its investigation. The FBI told us this directly in our June 2025 meeting — a meeting the City was excluded from attending. Fagan's invocation of the FBI implies a comprehensive independent review that exonerated the City. No such review exists. Her statement also implies the FBI case is closed. It is not.



On Mon, Apr 6, 2026 at 1:20 PM Heather R Fagan <Heather.Fagan@orlando.gov> wrote:

> Jorshua,
>
> I apologize for my delay in responding as I was out of the office.
>
> While nothing can change the tragic events that occurred at Pulse on the night of June 12, 2016, the City has, from the very first day, worked to provide as much information as possible to victims' families, survivors, the media, and the broader community. This is why we made all public records that could legally be released available on the City's website.
>
> I understand that you still, and may always, have questions about what happened that night. That is completely understandable. The City stands behind our public statements that we were not aware of a pattern of life safety issues at Pulse, and the independent investigation conducted by the FBI did not identify meaningful violations.
>
> We recognize that no amount of information can fully bring closure, and we are deeply mindful of the lasting impact this tragedy continues to have on survivors like you. Thank you for reaching out and for continuing to share your perspective.
>
> Heather

April 6, 2026, Email Response from Heather Fagan, Chief of Staff for Mayor Buddy Dyer: This is a polite refusal to answer any pointed questions posed by survivors, questions that have yet to be posed by corporate media outlets (Appendix K).

No official investigations have independently examined the issues we have spent years fighting to have investigated. The investigations completed by the FBI, FDLE, and State Attorney's Office had nothing to do with the code violations, City corruption, fraud, or the onePULSE Foundation. The City's OPD involuntary manslaughter investigation was compromised from the start — undermined by glaring conflicts of interest and investigative methods so deficient they render the investigation's conclusions worthless.

The City's statements, crafted primarily by Fagan, suggest "there's nothing to see here" and that our allegations are meritless. **The Office of the Mayor knows this is false. So does everyone who has read the records.**

If not for our relentless efforts to obtain public records and pressure the City to release critical information, the facts would have remained buried. The findings in this report—including the numerous issues at the nightclub—would have continued to have been dismissed by the City and the Pomas as mere rumors, false allegations, or "utterly frivolous" claims. Instead, we uncovered undeniable evidence that exposes their deception and confirms the legitimacy of our fact-based allegations.

Our first-hand experiences and labyrinthine public records research have informed our efforts, protests, and public calls for accountability and transparency. But **this kind of burden should never be placed on the victims/survivors of mass violence**. There should always be proper oversight from independent agencies doing this work, and **public officials should be held accountable for lying to victims, taxpayers, their own colleagues, and the general public**. We should not have to spend years of our lives after a mass tragedy serving as an independent oversight commission, because none was ever appointed.

Creating False Narratives: Delay, Deny, Defend

The City of Orlando and the onePULSE Foundation were successful in manipulating the public and creating a false public narrative, until our persistent grassroots organizing efforts disrupted their agendas resulting in the exposure of damning records the City has kept from the public and the dissolution of the onePULSE Foundation.

The City has done this primarily by: (1) **Delaying** the release of critical facts to the public by stalling public records requests, silencing City employees, and hiding records using Chapter 119 to claim "no responsive records" to requests; (2) **Denying** those facts once they finally surface; and (3), when confronted with the facts, City officials (3) **Defend** their actions to protect their reputations, refusing to acknowledge ever misleading the public. This playbook, like the tactics used by America's most exploitative health insurance companies, **provides a clear lens through which to understand how the City of Orlando's Office of the Mayor continues to distort the facts, weaponize the massacre, and exploit the Pulse tragedy for personal and political gain**.

While the City withheld pertinent evidence, Mayor Dyer publicly claimed transparency. In 2016, he compared the City to the FBI and stated:

> *It's actually to our benefit to have everything released so that people aren't speculating on what happened that night, because we know that the OPD (Orlando Police Department) did an unbelievable job and saved dozens, if not hundreds, of lives that night. Some people are filling in the blanks with stuff that's not true, so getting more information out is good for us. Now, taking all the time to respond to all of those public-records requests is somewhat taxing.*

However, it we who have substantial evidence showing that City officials filled in the blanks with "stuff that's not true" and continues to delay fulfilling public records requests and improperly claim certain records are exempt—even after a decade.

Government agencies are not shy about their ability, willingness, and eagerness to manipulate the media and control the narrative. It is a tactic law enforcement proudly employs with impunity — most aggressively in high-profile cases where the consequences of the truth are greatest and the institutional incentives to lie are strongest. This is even celebrated in The Police Foundation's after-action report, *Rescue, Response, Resilience*, in which the need to control the narrative was even given its own chapter; one that chronicles the City of Orlando's strategy for "calming public fears and leading the charge of unity and resilience," as well as to "counter the emerging contentious narrative" that officers took too long to neutralize the suspect.[348]

One of The Police Foundation's observations was that "[t]he OPD leveraged resources such as their pre-existing social media following and held press conferences to control their story." The City's fabricated story—as we will explore later in this chapter—was full of lies told by former OPD Chief John Mina (current Orange County Sheriff), misinformation spread by various City and law enforcement officials, and a persistent effort to shift the focus away from the facts and towards exaggerated notions of community, resilience, and a global response. The City continues to do this through its $12.5M memorial project, which it gained full control over since the dissolution of the onePULSE Foundation. At the 60% Design Meeting held on May 14, 2026, the City revealed the museum it is building inside of the planned visitor center, which includes an entire room dedicated to the City's narrative of resilience, a "redacted" timeline of the police response, and a curated exhibit depicting the nightclub as everything but the non-compliant death trap that it was.

City officials, like Mayor Buddy Dyer and former Police Chief John Mina, also used the tragedy to position themselves as experts; a move that successfully deflected public scrutiny and allowed them to secure their elected positions while marketing themselves as LGBTQ+ allies—despite the fact that their failures cost LGBTQ+ lives.

In his podcast, *Pulse: The Untold Story* (2024), journalist Trevor Aaronson unpacks the false narratives surrounding the shooter that were perpetuated by the media and the FBI.[349] He documents that Charlie Swift, a lawyer for Noor Salman, stated, "The FBI is extraordinarily sophisticated when it comes to PR. And, it is months, sometimes years, before we learn of malfeasance in many cases… They hide it brilliantly."[350] The same holds true for the City of Orlando.

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[348] Pg. 102-105, *Rescue, Response, Resilience*. The Police Foundation.

Orlando City officials—while far from "sophisticated" or "brilliant"—were largely successful in controlling the narrative. They employed a range of tactics to craft a false narrative designed to obscure the dysfunction within the municipality and distort the truth. Through public records, we were able to discern that **most of the misinformation emanated from the Office of the Mayor or was directly disseminated by former OPD Chief John Mina.**

For years, the Office of the Mayor misled taxpayers and its own City Council and promoted false narratives about law enforcement's response to the shooting, the PULSE nightclub, and the facts surrounding the tragedy, as well as the City's numerous failures and shortcomings. When the Office of the Mayor could no longer suppress these stories by controlling the flow of information, they carefully crafted language meant to deceive—spreading false or misleading information, outright lying, facilitating the spread of inaccuracies, and strategically omitting crucial facts.

For example, the City of Orlando never told the public that the Orlando Fire Department's (OFD) response failures were severely compromised by critical lapses in preparedness and leadership. Despite acquiring bulletproof vests equipped with essential medical supplies for Active Shooter scenarios, this equipment remained unused during the incident, reportedly locked in a cabinet at headquarters. Fire Chief Roderick Williams did not arrive on the scene until after the shooter was neutralized, leading to a lack of executive leadership during the critical early hours. Additionally, paramedics were kept at a distance from the club and the station across the street locked its doors to fleeing survivors, delaying medical intervention for victims. *Rescue, Response, and Resilience* confirmed many of these shortcomings, aligning with previous reports highlighting OFD's inadequate preparedness and response.

The City should have told the public about these failures sooner. We found out about the full extent of these failings from *ProPublica* two years after the shooting when it published its reporting.[351] The following year, OFD Chief Roderick Williams resigned amid a sexual harassment probe.[352]

Rather than openly addressing the legitimate issues and failures that occurred, City spokespeople instead offered blanket praise for first responders — undeserved acclaim that began immediately and continues to this day.[353] As recently as June 2026, Mayor Buddy Dyer himself brazenly dismissed PULSE's documented code violations—like the blocked exit that trapped Luis Capo and others—as unfounded "rumors."

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[349] "Pulse: The Untold Story," Trevor Aaronson, *Audible*, July 11, 2024.https://www.audible.com/pd/Pulse-Audiobook/B0D3VWSNM7

[350] See timestamp 25:40 in "Pulse: The Untold Story," Episode 1, Trevor Aaronson, *Audible*, July 11, 2024.https://www.audible.com/pd/Pulse-Audiobook/B0D3VWSNM7

[351] "Orlando Paramedics Didn't Go In to Save Victims of the Shooting. Here's Why," by Abe Aboraya, *ProPublica*, September 26, 2018. https://www.propublica.org/article/pulse-shooting-orlando-tragedy-response-plan

[352] "Orlando Fire Chief Resigns Amid Sexual Harassment Probe," *Associated Press*, February 21, 2019, https://apnews.com/general-news-c5034a875e6244519c1b38e7de705dee.

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[353] Even as we criticize the response, we also recognize that some individuals tried to carry out their duties and eventually saved lives by pulling survivors out of the building. However, we are adamant that generalized praise for first responders erases the widespread failures that contributed to unnecessary loss of life.

Chapter 5: Then OPD Police Chief John Mina Lied Repeatedly About the Police Response

Over and over again, John Mina lied to the public while he praised the OPD and exaggerated their bravery while changing the facts. These facts—the actual actions of police officers at PULSE—are documented in these officer's own words in sworn testimonies recorded and transcribed by the FDLE. While the FDLE's investigation was completed in 2019, these files were never released to the general public and were accessed through public records request.[354]

For example, the day after the shooting, Mina went on television and said:

> *Even before the first patrol units arrived on scene, an OPD officer working extra duty at the club engaged the gunman as he opened fire. Our First Responders and SWAT Team faced a hail of gunfire as they rescued the hostages, and we are blessed beyond words that none of them were gravely injured or killed.*[355]

While the first sentence is true, it omits and misrepresents the facts surrounding Gruler's "engagements" from outside the nightclub.

Gruler abandoned his security post at the front door. Still, he was the only officer to see the shooter before the breach and final shootout, because he watched the shooter fire rounds into victims laying on the dance floor from his position of cover outside of the nightclub. Gruler only made two attempts to fire in the direction of the shooter. He took these pot shots while repositioning himself outside of PULSE and taking cover behind vehicles at a distance of 75-100 feet away from the shooter. In his sworn testimony, he admitted to knowing that this distance provided him safety while rendering his shots at the shooter ineffective. According to the State Attorney's "shoot review," Gruler fired four shots the first time, supposedly hitting the South double doors, and then three additional shots through the patio door. None hit the shooter.[356] In both instances, the gunman was shooting at and killing victims. At no point did the shooter ever return fire towards Gruler.[357]

Mina's second statement is a complete lie and exaggeration. Responding officers did not enter the building until after an "extended pause" in the shooting. This pause occurred when the shooter's assault rifle jammed, which caused him to retreat to the bathrooms where he continued shooting victims/survivors with his handgun. The shooter then retreated into the north bathroom and stayed through the duration of the remaining three hours.[358] It was not until this time that police entered the building—more than nine minutes after the shooting began. None of these shots fired were aimed towards law enforcement.[359]

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[354] Request No. 19-7827 (released October 28, 2019).

[355] "Chief Mina: 'I am proud of the work you have done today'," *WFTV*, June 13, 2016. https://www.wftv.com/news/pulse-shooting/chief-mina-i-am-proud-of-the-work-you-have-done-today/339239972/

[356] See letter from Aramis D. Ayala to Orlando Rolon, Chief of the OPD, February 13, 2019. Re: FDLE Case #OR-27-0258, Use of Force Review regarding OPD Sergeant Jeffrey Backhaus, https://www1.cityoforlando.net/opendatadocs/saoletters/16-242039.pdf.

[357] OPD, Homicide Unit, Supplemental Report.

The fact is that OPD officers completely avoided facing a "hail of gunfire" by their failure to follow Active-Shooter Protocol, enter the building, approach the sound of gunfire, and neutralize the shooter.

The only shots aimed at officers was during the final breach, when the shooter fired at least two shots from his 9MM handgun.[360] One of those two bullets hit OPD Officer Michael Napolitano in the Kevlar helmet and another hit survivor, Miguel Leiva, in the leg as he tried to escape the South bathroom out of the holes made in the concrete block wall by law enforcement.[361]

This is far from the "hail of gunfire" that Mina claimed was aimed at police but accurately reflects what unarmed PULSE victims/survivors experienced at the hands of the shooter—without police body armor or protective gear. Officer's failure of duty in the critical first 10 minutes of the shooting is why no officers were killed or suffered from gunshot wounds, while 49 unarmed civilians were murdered and 53 were wounded as the police officer hired to provide security at PULSE observed them be shot from outside the club. Furthermore, police failed to breach either the South or North bathrooms in the first 47 minutes of the shooting—before the shooter made the false claim that he was wearing a bomb vest. By approximately 3:06 a.m., two wounded survivors escaped the South bathroom through a hallway route that, despite being traversed by fleeing civilians under active threat, was not used by responding officers to reach those wounded, bleeding out, and still trapped inside.

Despite SWAT teams being heavily armed and equipped with protective gear, they remained outside the building and made the decision to breach the western wall hours later, rather than risking their lives to save victims in either bathroom by entering through the hallway that was safe enough for wounded survivors to escape. Mina falsely justified this action to *WESH 2* by lying that survivors told him the shooter had his rifle trained on the bathroom door the entire time.

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[358] State Attorney Aramis Ayala was wrong when she stated that Sgt. Jeffrey Backhaus and Lt. Scott Smith entered the building while shots were being fired and that the shooting stopped after they entered. The evidence shows otherwise. Officers entered during what they called an "extended pause." This is when the shooter's rifle jammed. Additional shots were fired from the shooter's handgun as the shooter fled into the bathrooms and went back and forth between the two bathrooms, shooting victims who were trapped there with his handgun. The shooter was shooting from his handgun when officers finally entered the club after approximately eight minutes of shooting. These facts are supported by the OPD Homicide Unit Supplemental Report, Exhibit 100 (DOJ), and the State Attorney's "Shoot Review."

[359] OPD Homicide Unit, Supplemental Report.

[360] A Glock 17 (9mm) handgun typically has a 17-round magazine capacity. We know that the shooter shot 5 rounds shortly after OPD made entry into the building in the bathrooms, 10 rounds into the bathroom when police breached the western wall, and then two shots at police as he came out of the hole they created. Law enforcement responded by firing 172 bullets, with only 7 hitting the shooter. See: State Attorney Aramis Ayala Press Conference, Pulse Nightclub Shooting Update, Shoot Review, February 13, 2019, https://www.youtube.com/watch?v=GS8Hkgeh8Xg

[361] "Pulse Timeline," *WKMG*, April 6, 2018 [date published], https://www.youtube.com/watch?v=BT8ymNGbA1k.

ORLANDO
POLICE
COMMITMENT
PRIDE
WESH 2

Former OPD Police Chief John Mina lies to WESH 2: Falsely claiming that the shooter has his rifle "trained" on the bathroom door the entire time, in an attempt to justify their failure to go into the bathroom. The shooter's rifle jammed before entering the bathroom.

Specifically, he stated:

> *And one thing we had learned from talking to survivors afterwards, is that the shooter had his rifle trained on the bathroom door the entire time, waiting for officers.*[362]

No survivors told him this, the shooter's rifle had already been jammed, he was Googling on his phone during this time, made brief phone calls to the police, and spoke to trapped victims/survivors. There is zero evidence to substantiate Mina's claim that the shooter had his non-functioning, jammed rifle trained on the bathroom door "the entire time." Rather, all available evidence supports the fact that this was another lie to shield OPD officers from accountability for failing to follow Active Shooter Protocol by entering the bathroom and neutralizing the shooter.

On multiple occasions, Mina described to the media that there was both an exchange of gunfire and gun battles between the shooter and the initial officers on scene. Neither of these ever occurred.[363] No "gun battle" happened between the shooter and any officer before the shooter fled into the bathroom. The City of Orlando began their misinformation campaign the day after the

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[362] "Pulse: Orlando Strong," *WESH 2*, December 12, 2016, 3:18, https://www.wesh.com/article/pulse-orlando-strong/8491375.

[363] "Timeline of Pulse nightclub Shooting by OPD Chief and SWAT Commander," *Orlando Sentinel,* June 13, 2016, https://www.youtube.com/watch?v=UWjTvoFNXfc; Press Conference with John Mina and City of Orlando, June 13, 2016, https://www.youtube.com/watch?v=ShMelNMFiKE; Interview between Anderson Cooper and John Mina, June 16, 2016, OPD (Facebook), https://www.facebook.com/watch/?v=10153718459055878.

shooting.

Another lie Mina told the public months after the shooting, was during an interview with WESH 2 News, when he falsely stated that "within the first few minutes, there were 20 or 30 officers inside that club."[364]

We know this was false because only four officers were on scene within the first four minutes, and none of them were inside the building. Only a handful of officers entered the building and only after the shooter's automatic rifle jammed and after he went into the bathroom. That was, more than nine minutes into the attack.[365] Nowhere near 20 officers responded to the scene in the first few minutes of the shooting. This was an exaggeration and fabrication.

Mina's false narratives shielded him and responding officers from justified criticism and proper oversight. For example, James Gagliano, a retired FBI supervisory special agent, criticized the police response at PULSE, saying: "…there are strong arguments for making changes to the protocols for first responders so that the best practice is determined to be to make entry sooner in Islamist terrorist hostage standoffs. The ISIS-inspired terrorists of today tend not to be interested in negotiating their way out."[366] Furthermore, the PULSE shooter showed that he was not interested in taking hostages and had no reason to negotiate. He simply found himself trapped with victims/survivors after his assault rifle jammed and he went into the bathrooms.

Similarly, Chris Grollnek—a police tactics expert who served on a SWAT team in McKinney, Texas—called the PULSE response "a catastrophic failure on police SWAT tactics." He went on to say, "Police are trained that if there's an active shooter in progress, you go in and confront the shooter at any risk. When an active shooter is shooting, you go in and shoot the shooter… every protocol across America is to make entry immediately... someone on duty was risk averse and that's what's going to make things worse."[367]

As one of the most outspoken critics of the Orlando police response, he joined others in calling out how exactly law enforcement failed. "You go in that room, and you finish it, because if you don't finish it, innocent people are going to die," said Grant Whitus, an active-shooter response trainer who was one of the first SWAT officers on scene at Columbine. In the same report, Grollnek stated, "Somebody made the decision to turn it into a barricaded person and send negotiators… When you show the objective is to kill people, and you've already demonstrated your willingness to do so, there's nothing to talk about."[368]

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[364] "Pulse: Orlando Strong," *WESH 2*, December 12, 2016, https://www.wesh.com/article/pulse-orlando-strong/8491375.

[365] See Dr. Jeffrey Badger's analysis, here: https://www.facebook.com/share/p/1KFu4QXTVQ/; Also see OPD's timeline in Homicide Unit, Supplemental Report (*Appendix G*).

[366] "After Pulse, police may need to change tactics, report says," Beth Kassab and Gal Tziperman Lotan, *Orlando Sentinel*, December 17, 2018, https://www.orlandosentinel.com/2017/05/27/after-pulse-police-may-need-to-change-tactics-report-says/.

[367] "Police tactics expert rips Orlando SWAT team that waited to breach Pulse nightclub during horrific mass shooting," Ryan Sit, *New York Daily News*, April 8, 2018, https://www.nydailynews.com/2016/06/13/police-tactics-expert-rips-orlando-swat-team-that-waited-to-breach-pulse-nightclub-during-horrific-mass-shooting/.

The sworn testimony of Det. Adam Gruler taken during the FDLE's Internal Investigation shows that Gruler, the only officer who was on scene when gunfire erupted inside PULSE, **proves he was risk averse as he plainly stated that he told himself he was not going to die that night and thought of his family as he watched victims be shot.[369]**

Criticism of the PULSE response even continued for years, especially after the botched responses to mass shootings in Parkland (February 14, 2018) and Uvalde (May 24, 2022). Adam Lankford, a University of Alabama criminology professor who studies mass shootings, said the "sub-optimal response" in both Pulse and Parkland led to a delay in confronting the gunmen in the crucial initial minutes when the shootings started. Acting sooner "could have saved lives" in both cases, he said.[370]

Another former 26.5-year SWAT veteran from the Tampa Police Department, Carson Helms, emailed Mayor Buddy Dyer days after the shooting about the failed law enforcement response at PULSE and questioned the law enforcement response, specifically addressing their failure to follow Active Shooter Protocol:

> *Back when the school shooting occurred at Columbine High School on April 20, 1999, most Police Depts. changed how active shooter situations were handled. Before Columbine, officers would wait for back-up or the SWAT Team and then make entry. After Columbine the tactics were changed to immediately going to where the gun shots were coming from and neutralize/shoot/stop the threat as expeditiously as possible even without back-up.*
>
> *With that said; it appears that the officers in Orlando retreated after exchanging gun fire with the suspect. Apparently, the officers could hear the suspect shooting other patrons of the club and yet they failed to continue their pursuit of him. Shortly after that the SWAT team arrived and they failed to make entry obviously leaving 49 gunshot victims wounded inside for 3 hours. I think we can assume that some of, if not a lot of the victims could have been saved had they received medical treatment within the golden hour.*
>
> *As a SWAT operator for 26.5 years, I cannot think of any reason why the Orlando SWAT Team would have failed to make immediately entry. Most SWAT Teams have ballistic body bunkers (shields) to protect them when they make entries.*
>
> *I realize that there was some thought that there was possibly some explosives involved, but even*

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[368] "Orlando Police Fired Shots After Hostage Situation in Pulse Nightclub Began." WLRN Public Media. July 11, 2016. https://www.wlrn.org/news/2016-07-11/orlando-police-fired-shots-after-hostage-situation-in-pulse-nightclub-began.

[369] See, "Delay in Orlando police response to massacre examined," *CBS News*, June 13, 2016, https://www.cbsnews.com/news/delay-orlando-police-response-nightclub-massacre-examined/.

[370] "Pulse, Parkland shootings: Why was 1 cop called hero, the other arrested?" Monivette Cordero, *Orlando Sentinel*, July 7, 2019, https://www.orlandosentinel.com/2019/06/06/pulse-parkland-shootings-why-was-1-cop-called-hero-the-other-arrested/.

> *with that possibility as a SWAT supervisor I could not stand by for 3 hours while people the police are supposed to protect died because the police think there could possibly be a bomb. The police put their safety before the victims of this incident.*
>
> *The question I have is; what changed in the 3-hour period that caused the chief of police to change his mind and make entry?*
>
> *It appears that nothing significant changed and they realized they should have made entry and rescued the victims immediately when the first shot was fired. Had this been a classroom full of second graders dying from gunshot wounds would it have been handled differently?*
>
> *Another point of concern I have is that the police used explosives to attempt a breach on the wall of the club. This apparently turned out to be a failure also because the charge was not heavy enough. Had they used enough explosives to accomplish the breach it is very likely that the debris (cinder block/concrete) from the wall would have seriously injured or killed the hostages inside in proximity of the blast. It would have basically been no different than setting off a bomb inside.*
>
> *I think this chief made an extremely wrong decision when he did not have the SWAT Team make immediate entry which caused victims to bleed out and die. The reason I am bringing this to your attention is because what would prevent this chief from making this same decision under similar situations in the future. If he does not get constructive criticism for his poor decision, why would he do it any differently in the future should the same thing happen at Disney World or anywhere else? I realize that I may not have all the facts of this incident and maybe there is a legitimate reason the chief failed to take immediate action, but I can't think of one. I hope this matter will be look into. This can easily be accomplished by speaking with other SWAT team commanders and getting their opinions. It appears this chief is incompetent when making life and death decisions involving active SWAT operations. If the facts are as they appear, I am embarrassed, on how it was handled, as a former SWAT operator and supervisor.*[371]

We have no record indicating that the Mayor, Frank Billingsley, or anyone from the City responded to Helms about these very serious issues and his informed analysis.

Despite sustained public criticism, the City of Orlando succeeded in selling a false narrative—one that cast the police response as heroic, compliant with Active Shooter Protocol, and secured numerous speaking engagements around the world—despite obvious gaps and when the documented record shows neither was true.

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[371] Email, Carson Helms to Buddy Dyer and Frank Billingsley, June 15, 2016, 12:16 PM, Subject: Orlando Shooting at Club Pulse. City of Orlando.

In the face of criticism from PULSE survivors and law enforcement professionals nationwide,[372] the City of Orlando refused to make public the records of OPD's active-shooter training when requested by the local newspaper. The *Orlando Sentinel* reported:

> *As more survivors share their accounts, questions about the tactical decisions — such as when the operation shifted from an active shooter incident to a hostage situation, and why police didn't follow Mateen into the bathrooms where dozens were gravely injured — remain unanswered.*
>
> *After repeated requests by the Orlando Sentinel, the City of Orlando would not release OPD's policies and procedures for responding to active shooters, hostages and barricaded subjects, citing a public records exemption for "any comprehensive inventory of state and local law enforcement resources.*[373]

Again, the City refused to release these records and, thus, limited investigative reporting and any public review into the matter. The *Orlando Sentinel* never pursued those records in court; however, we currently are.

Ex-Marine Steven Barnett also openly criticized the police response. He told NPR, "You know, the SWAT team can go bust down a door on a drug dealer's house, but when there's a chance that there may be that one of them could actually get shot, then they stand around outside, plotting on, well, how's the best way to handle this?" During this interview, Mina responded by saying the change in tactics was based on the mention of explosives. However, as the interviewer points out, the threat of bombs did not come for approximately 47 minutes into the shooting.[374]

After this early interview, Mina's narrative then changed. In subsequent interviews, he shifted the blame for the delay. Instead of the bomb threat being responsible for the change in tactics, Mina blamed the Active Shooter situation switching to a "barricaded gunman" situation as the reason why tactics changed, as the shooter stopped shooting. OPD claimed this change occurred about 20 minutes earlier at 2:08 AM.[375] However, additional shots were fired after the gunman went into the bathrooms where victims were trapped. Police still did not go in to stop the shooter, even in the absence of a bomb threat. According to the testimony of responding officer Brandon Cornwell, officers waited, held their position until SWAT arrived, left the club, and were even ordered to withdraw. Furthermore, there is no record that police reviewed surveillance footage or asked survivors or even Gruler (who watched the shooter kill victims) questions to determine the legitimacy of the shooter's bomb threat. Surveillance footage shows that the shooter walked in wearing a white polo and carrying on his gun. He had no backpack and was not carrying anything that would suggest he bought bomb vests into the nightclub.

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[372] "'They took too damn long': Inside the police response to the Orlando shooting," Adam Goldman and Mark Berman, *The Washington Post*, August 1, 2016, https://www.washingtonpost.com/world/national-security/they-took-too-damn-long-inside-the-police-response-to-the-orlando-shooting/2016/08/01/67a66130-5447-11e6-88eb-7dda4e2f2aec_story.html.

[373] "Witnesses: Pulse shooter roamed club throughout the ordeal," Christal Hayes, David Harris, and Elyssa Cherney, *Orlando Sentinel*, August 23, 2016, https://www.orlandosentinel.com/2016/06/25/witnesses-pulse-shooter-roamed-club-throughout-ordeal/.

[374] "Police Face Backlash Over Delayed response to Orlando Shooting," Martin Kaste, July 5, 2016, https://www.npr.org/2016/07/05/484832479/police-face-backlash-over-delayed-response-to-orlando-shooting.

[375] OPD Homicide Unit, Supplemental Report.

In an interview with CNN's Anderson Cooper conducted in the immediate aftermath of the shooting, **Mina misrepresented the facts again** and leaned on this subjective "barricaded gunman" classification. He stated:

> *[Gruler] exchanged gunfire with the suspect... right away… So, our officer was outgunned. He only had a handgun. The suspect had a long gun, a rifle. He waited for backup. As soon as enough arriving officers responded, with enough backup, and there were 3 or 4 of them I believe. They made entry into the club, right away, within minutes… active shooter training… we go in right away. As soon as you have enough back up. So, they went in right away. Exchanged gun fire with the suspect, within those first few minutes. And that's important because this caused the suspect to stop shooting and retreat into the bathroom where he was isolated and contained.*
>
> *Our officers went in there, exchanged gunfire, forced him to retreat and basically become a barricaded gunman in the bathroom.*[376]

Again, there was no *exchange* of gunfire between officers and the shooter prior to the final showdown at 5:15 AM that resulted in the death of the shooter. Det. Gruler, at a safe distance for himself and shielded behind a vehicle, shot towards the shooter as he was killing victims. The shooter did not return fire at officers or engage in any "gun battle." Additionally, surveillance footage shows that the gunman was already in the bathroom by the time officers made entry. **This is documented by the OPD, themselves, making it even more concerning that Mina would blatantly lie about following Active Shooter Protocol to an international news network.**

Furthermore, the national standards for Active Shooter Protocol after Columbine do not state that officers must wait for adequate backup before engaging. Rather, immediate action is required, even if that means solo entry. According to Mina:

> *Over 300 officers from multiple agencies all through Central Florida responded. So, as officers are getting there, assessing the scene and hearing the gunshots, they quickly realize, well they have an active-shooter situation. We need to form up, um, several teams and go in.*

Again, these actions are not dictated by Active Shooter Protocol standards and the redacted police training materials currently available to the public show that OPD officers received agency-wide active shooter training, which taught them a single officer should actively find the shooter and stop the threat. The term "contact team" includes entry by a solo officer or "team of one."[377]

Even so, police body camera footage shows that even after a team of officers was formed, as they were approaching the nightclub's front door, they heard the sound of gunfire and backed away, saying "get back, get back" as gunfire erupted inside. Because this footage has been edited/redacted and no redaction log was provided, we are unsure if these were shots fired by the gunman in the bathroom or by responding officers. Regardless, this was the approach of responding officers, and the footage proves that no responding officers followed Active Shooter Protocol at PULSE.[378]

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[376] Interview between Anderson Cooper and John Mina, *CNN*, June 15, 2016, OPD Facebook Page, https://www.facebook.com/watch/?v=10153718459055878.

[377] Orlando Police Department Policy and Procedure: 1150.0, Active Assailant Response (8/1/2023), *City of Orlando*.

Furthermore, despite the number of times Mina said, "immediately" in his interviews, immediate entry was not made by Gruler or any of the initial responding officers while the shooter continued to shoot victims.[379] The FBI's own data shows that the majority of active shooter incidents end within minutes of beginning, but police at PULSE did not even enter the building until that window had already closed. Police action at PULSE does not reflect immediacy. Lt. Scott Smith also told Gruler that if the shooter was still shooting and there were people still in the nightclub, he had to go in there and contact the shooter. Gruler knew he needed to "contact him" through this radioed order, showing that at least one officer knew Active Shooter Protocol. Gruler knew this and still did not make entry into the nightclub for over 11 1/2 minutes.

In a later interview with Cooper, Mina was asked specifically about the prolonged response time. Mina stated:

> *For all that time there's no shots being fired and our officers had him contained in the bathroom. And certainly, in my opinion, if they had assaulted the bathroom at that time, not only would we be dealing with many, many more lives lost, we'd also be dealing with officers' lives that would have been taken based on the layout, and the circumstances, and the firepower.*[380]

With dozens of wounded survivors still in the bathroom, who were still alive, bleeding out, and even on the phone with family and 911, this comment aligns with police action: **officers' lives were prioritized over the lives of civilians**.

Other lies were repeated to CNN—including that the shooter first fired at officers when SWAT breached the building when he, in fact, was shooting at victims trapped with him inside the bathroom prior to coming out to shoot towards law enforcement and fleeing victims from the other bathroom.[381]

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[378] Officer Graham Cage body cam footage. City of Orlando. Considering the time that Officer Cage arrived on scene, these are likely the shots that Sergeant Jeffrey Backhaus and Lt. Scott Smith fired at a civilian who emerged from the southwest bathroom around 2:17 AM. Regardless, they did not know this, shots fired was communicated on the radio, and officers did not approach the sound of gunfire.

[379] It was not just Gruler who did not immediately enter the nightclub, it was also several other responding officers who first showed up to the active shooting, allowing the shooter to go into the bathroom after his gun jammed. Another such officer appears to be Officer Brandon Rush, who used vehicles in the Pro Tint and Detailing parking lot (next door) for cover as he heard gunfire coming from within the nightclub. See, OPD, Supplemental Report, Case Number 2016-242039, Supplement Number: 17, Date of Supplement: 06/27/2016, City of Orlando.

[380] "OPD Chief John Mina addresses Pulse response time," *WKMG (Click Orlando)*, April 5, 2018, https://www.youtube.com/watch?v=ShMelNMFiKE.

[381] https://www.cnn.com/2016/12/11/us/video/pulse-orlando-shooting-police-chief-feyerick-pkg-nr

The City of Orlando released no evidence to support this claim.[382] In fact, survivors from the bathroom where the shooter was told a drastically different story of a jammed rifle (not one pointed at the door) and the gunman talking on the phone and to survivors. None of them, including many who are part of our group, have ever said that the gunman had his jammed automatic rifle focused on the door for 3-hours or any amount of time.

One such record was created by the OPD on June 27, 2016, when law enforcement interviewed survivor Patience Carter in Florida Hospital.

> *The shooter entered the bathroom and laid his black 'machine gun' on the floor and appeared as though he was clearing malfunction with another firearm, possibly a handgun. He said, 'Shit, it's jammed' as he was clearing the malfunction.*[383]

The State Attorney's shoot review also corroborated what survivors witnessed, including that the shooter also spent his time in the bathroom Googling how to unjam his AR-15.[384] You cannot Google and have your gun trained on the door at the same time. Mina lied and there is no evidence any survivors told him that story. The lack of evidence supporting Mina's story, coupled with evidence that supports an entirely different series of events, suggests he just made it up.

Mina's fabrications, combined with the systematic suppression of the records documenting the police response, made public scrutiny impossible. Neither the media nor the public could analyze what it could not access. No one could challenge a narrative built on withheld evidence. Thus, accountability was prevented at the precise moment public scrutiny was most necessary.

These facts juxtaposed with Mina's fictional narrative made it clear that he deliberately exaggerated the direct risks officers faced by painting a picture that officers were under the threat of constant fire throughout the response. However, as we outlined earlier, the fact is that the shooter also only fired in the direction of officers with his *handgun* during the final confrontation, hitting Leiva in the leg and striking Napolitano's Kevlar helmet.[385]

The shooter's precision stands in stark contrast to law enforcement's response, in which 172 rounds were fired, yet only seven of those bullets hit the shooter. Despite the volume of gunfire, the scene looked less like the final ambush in *Bonnie and Clyde* (1967) and more like a stormtrooper firefight in *Star Wars* — nearly hundreds of rounds fired at close range with remarkably few striking the intended target. In fact, every other time an officer shot towards the shooter during the police response, or at the civilian they mistook for the shooter, they missed their target.[386] This is both notable and embarrassing, suggesting other critical gaps in the City of Orlando's police training programs.

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[382] Pulse Tragedy Public Records, City of Orlando, https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records.

[383] OPD, Supplemental Report, Case: 2016-242039, Supplement Number 13, Date of Supplement: 06/27/2016. City of Orlando.

[384] Jeffrey Badger, The Uvalde Shooting: Facts, Lies, Narratives, Facebook, https://www.facebook.com/share/p/125EeY2WWek/; State Attorney Aramis Ayala Press Conference, Pulse Nightclub Shooting Update, Shoot Review, February 13, 2019, https://www.youtube.com/watch?v=GS8Hkgeh8Xg; OPD Homicide Unit Supplemental Report (*Appendix G*);

[385] State Attorney Aramis Ayala stated the shooter fired "a minimum of two times" as he came out of the bathroom through the hole in the wall made by law enforcement. See, Letter from Aramis D. Ayala to Orlando Rolon, February 13, 2019, Re: Florida Department of Law Enforcement Investigative Case #OR-27-0258, Use of Force Review regarding Orlando Police Department Sergeant Jeffrey Backhaus. City of Orlando.

During a later interview with *WKMG*, we learned that the real reason why law enforcement did not enter the bathroom and stop the shooter was because of the bathroom's glass door and officer's lives would have been put at risk. In this interview, Mina stated:

> *He was behind a glass bathroom door. So, what a lot of people don't realize is, an assault, or entry into that glass door, would have been dangerous not only for the officers, but more importantly, it would have been extremely dangerous for the hostages in there. So, if you could picture yourself as the bad guy, as the suspect, and you can see that, you see the glass door, and you see officers approaching. Um, you know, we believe he would have immediately opened fire, and, and what do we know, and officers would have returned fire, umm, possibly killing hostages. So, to us that was not an option.*[387]

This, again, shows that officers' lives were prioritized over victims' lives. People were wounded and bleeding out. Waiting three hours was not in their best interest.

Mina confirmed this logic in another interview conducted less than six months after the shooting. He stated:

> *Going in the doorway within the first few minutes basically would have been a suicide mission for the officers… if we had gone in right away through that bathroom.*[388]

Again, his own words show that the lives of armed officers were prioritized over the lives of unarmed civilians bleeding out, which is a violation of police officers' sworn duty, law enforcement's priority of life model, and police training.

It is also notable that officers did not hesitate to unleash a barrage of gunfire during the final breach, **shooting 172 rounds towards the bathroom, where victims were known to be trapped,** as the shooter engaged through the hole made by SWAT. By this point—over three hours into the ordeal—**law enforcement showed little concern for the risk of hitting the victims/survivors who were still trapped inside**.[389] There were a total of nine murdered victims in the north bathroom.[390]

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[386] State Attorney Aramis Ayala, Press Conference, Pulse Nightclub Shooting Update, Shoot Review, February 13, 2019, https://www.youtube.com/watch?v=GS8Hkgeh8Xg.

[387] "Pulse Timeline," *WKMG (Click Orlando)*, April 6, 2018, https://www.youtube.com/watch?v=BT8ymNGbA1k.

[388] Interview with John Mina, "Pulse Nightclub shooting: 6 months later," *WCBD News 2*, December 12, 2016, https://www.youtube.com/watch?v=-C8KTqk9DOw.

[389] *Rescue, Response, Resilience*. The Police Foundation.

[390] Pulse Presentation, John Mina, OPD, City of Orlando. Request 20-3221.

According to survivor witnesses and relatives, at least five of the deceased victims were alive in the north bathroom when the final standoff began, but they ultimately died inside the club. Three of these people—**Deonka Deidra Drayton, Eddie Justice** and **Alejandro Barrios Martinez**—sent text messages from inside the club's bathrooms. Witnesses in the north bathroom believe Mateen killed at least three of these people during the final moments, prior to opening fire as SWAT officers were moving to breach the walls.[391] However, the State Attorney stated during their press conference that the shooter's bullets hit victims who were already dead and that no bullets fired by police officers struck civilians. The FBI's ballistics report was unable to conclusively determine who fired bullets recovered from victims and **no investigations**, including the State Attorney's Shoot Review, **were able to account for all of the shots fired, nor all of the bullets lodged in all of the victims' bodies.** Museum workers at the Orange County Regional History Center even accused their boss, Pamela Schwartz, of secretly removing a bullet lodged in a door they removed for future museum exhibits after the FBI returned the nightclub property to its owners. We have no documentation that shows this bullet was taken into evidence.

The FBI initially refused to release their ballistics report to the public and claimed in 2018 that it was "exempt from release because it could interfere with enforcement proceedings."[392] However, days later the ballistics report was finally released by the FBI on Thursday, February 28, 2019.[393] This was less than two weeks after State Attorney Aramis Ayala held a press conference and presented the public the findings of their shoot review. The State Attorney's Office concluded, with the evidence they had available, that no civilians were shot by the 14 local law enforcement officers who fired their weapons at the crime scene.

However, the FBI's laboratory ballistics report stated:

> *...shows the FBI's testing was unable to determine the source of some bullets found in victims. These bullet fragments lacked identifiable marks, neither matching the fragments to gunman Omar Mateen's firearms nor to law enforcement who responded to the incident.*
>
> *The report says that due to 'a lack of sufficient corresponding microscopic marks of value,' no conclusion could be reached as to whether several of the more than 900 items included in the evidence were 'fired from the same barrel(s) or the barrel of the Item 1 pistol.'*[394]

The evidence tested included roughly 80 bullets and metal fragments found in 32 victims, as part of more than 900 pieces of evidence recovered from the scene that also included gun cartridge cases. Still, the FBI did not have the evidence to conclusively say whether the victims were killed by the shooter's weapons or by responding law enforcement.[395]

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[391] "'They took too damn long': Inside the police response to the Orlando shooting," Adam Goldman and Mark Berman, *The Washington Post*, August 1, 2016, https://www.washingtonpost.com/world/national-security/they-took-too-damn-long-inside-the-police-response-to-the-orlando-shooting/2016/08/01/67a66130-5447-11e6-88eb-7dda4e2f2aec_story.html.

[392] See, "Pulse victim's mother on FBI ballistics report: 'The public has to know'" by Jason Kelly and Shannon Butler, WFTV, July 13, 2018. https://www.wftv.com/news/local/pulse-victim-s-mother-on-fbi-ballistics-report-the-public-has-to-know-/788780525/

[393] The FBI's ballistics report can be found in The Vault, here: https://vault.fbi.gov/pulse-nightclub-shooting-fbi-lab-ballistics-report/pulse-nightclub-shooting-fbi-lab-ballistics-report-part-01-of-01/view

[394] "FBI releases ballistics report on the Pulse nightclub shooting," by Xander Peters, *Orlando Weekly*, February 28, 2019. https://www.orlandoweekly.com/news/fbi-releases-ballistics-report-on-pulse-nightclub-shooting-24441744

However, the State Attorney's shoot review found that more than 400 rounds were fired during the massacre, with only 189 rounds coming from the shooter's assault rifle and 22 rounds from his 9mm handgun.[396] This means that police fired nearly as many rounds as the shooter during the 3-hour-long response, with law enforcement firing most of those shots in their final standoff with the shooter as he exited the north bathroom. The review also confirmed that only eight bullets struck the shooter, even though 14 police officers fired more than 180 shots and opened fire five separate times during their three-hours-plus-long standoff with the shooter. Again, 172 of these bullets were fired at the next-to-last engagement between the shooter and police; a shootout through a hole in the Pulse nightclub wall encasing the bathroom where living victims were still trapped in stalls.[397] A final shot was made into the shooter's head.

All 14 officers received clearance letters from the State Attorney that also stated that the shooting was reasonable and justified, which the FDLE's investigation also found. Eleven of the officers were with the Orlando Police Department, and three were members of the Orange County Sheriff's Office.[398]

To clear these officers, particularly those who fired the final 172 rounds, the State Attorney's Office claimed that there were no bullet holes in a wall that separated the bathroom stall (where victims were hiding) from the bathroom entrance. The City did not release photographs of this unscathed wall but did release photos showing bullet holes in the adjacent wall where the bathroom's door was located. When we toured the PULSE building ourselves, we were able to confirm that there were no bullet markings on that wall. However, bullet impacts on adjacent bathroom walls suggest that ricochets cannot be ruled out—especially with an inconclusive ballistics report.

While these are logical conclusions, there are still questions that may forever remain unanswered.[399] For example, Deonka Drayton, Tevin Crosby, Akyra Murray, and Eddie Justice are some of the 9 victims killed in this bathroom, which we determined through our organizing, by speaking to each other and sharing information.[400] Survivors who were pulled from this bathroom after the 3-hour-plus standoff have stated that a number of these victims were still alive until the very last moment.

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[395] See, "FBI Report: Ballistics Don't Conclude Who Shot Pulse Victims," Spectrum News 13, March 1, 2019. https://mynews13.com/fl/orlando/news/2019/03/01/pulse-nightclub-shooting-fbi-lab-ballistics-report

[396] See, "None of the Pulse shooting victims were struck by officer fire, review finds," Erin Donaghue, *CBS News*, February 13, 2019. https://www.cbsnews.com/news/pulse-nightclub-shooting-none-of-the-pulse-shooting-victims-were-struck-by-officer-fire-review-finds/

[397] See, "Press Conference: Orlando Nightclub Shooting," *Orange (County) TV*, February 13, 2019. https://www.youtube.com/watch?v=GS8Hkgeh8Xg

[398] See, "No Civilians Were Shot By Law Enforcement During Pulse Shooting, Investigation Finds," Abe Aboraya, *NPR*, February 13, 2019. https://www.npr.org/2019/02/13/694252922/no-civilians-were-shot-by-law-enforcement-during-pulse-shooting-investigation-fi

[399] "Pulse shooting questions still linger as state attorney clears police in response probe," Beth Kassab, Gal Tziperman Lotan, and Michael Williams, *Orlando Sentinel*, February 15, 2019. https://www.orlandosentinel.com/2019/02/13/pulse-shooting-police-cleared-of-wrongdoing-in-response-to-massacre-state-attorney-says/

Just as criminology professor Adam Lankford asked to the *Orlando Sentinel* in 2019, "Has any analysis been done that can identify the victims and the bullets specifically used? There could be more level of detail if somebody was actually motivated to ask this question."[401] More than 10 years after the shooting, we are still asking the same question.

Officer's lives and ***not*** the lives of the victims were also the primary concern for Undersheriff Mark Canty, as he explained in a video produced by the Orange County Sheriff's Office (OCSO) in 2021. **Canty, who actually led the response from the Command Center, explained that the walls in the narrow hallway connecting the two bathrooms was the reason why law enforcement did not go into the bathroom to stop the threat.** When asked by Mina what made it so difficult to formulate a plan to rescue the remaining victims/survivors, Canty stated:

> ***Not knowing what the walls were made of, I didn't feel safe sending officers down that hallway knowing that if he heard our officers, he could easily shoot through the wall…***[402]

This shows that the decision not to enter the bathroom and stop the shooter had little to do with the bomb threat or law enforcement's re-classification of the incident as a barricaded gunman or hostage situation. Rather, the safety of officers was always the priority.

When not lying about law enforcement action and inaction during the PULSE response, Mina shrugged off the criticism he received, stating, "For people who had not been there or had not seen and walked in those officers' shoes they have no right to judge those officers."[403]

However, Mina did just that years later, condemning the Uvalde, TX police officer response to the mass shooting at Robb Elementary school.[404]

He would continue to say different versions of this to thwart criticism, telling *ProPublica*, "The fact of the matter is, those people weren't there."[405] Mina waged this defense, even though he himself was not even there and never stepped foot inside PULSE until a month later. He went inside the club for the first time with Mayor Buddy Dyer, before it was released back to the Pomas. Notably, he was most surprised by how small the nightclub was, which would surprise anyone considering the number of victims and survivors and the nightclub being over its legal capacity.[406]

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[400] The locations of where individual victims were murdered inside the club were never disclosed to the public, nor to most victims' families by any official source.

[401] "Pulse shooting questions still linger as state attorney clears police in response probe," Beth Kassab, Gal Tziperman Lotan, and Michael Williams, *Orlando Sentinel*, February 15, 2019. https://www.orlandosentinel.com/2019/02/13/pulse-shooting-police-cleared-of-wrongdoing-in-response-to-massacre-state-attorney-says/

[402] "Pulse Remembered: A Conversation with Sheriff Min and Undersheriff Canty," OCSO, YouTube, June 10, 2021, https://www.youtube.com/watch?v=Ns-9IK3Lsfk.

[403] "Orlando Police Chief John Mina shares Pulse first responders' stories," *WKMG (Click Orlando)*, April 5, 2018, https://www.youtube.com/watch?v=fudvu7JGazc.

[404] Orange County Sheriff John Mina discusses DOJ Uvalde investigation report, *WFTV*, Jan. 23, 2024, https://www.yahoo.com/news/orange-county-sheriff-john-mina-015612908.html

[405] "Orlando Paramedics Didn't Go in to Save Victims of the Pulse Shooting. Here's Why," Abe Aboraya, *WMFE* (*ProPublica*), September 26, 2018, https://www.propublica.org/article/pulse-shooting-orlando-tragedy-response-plan.

Furthermore, in the immediate aftermath of the shooting, the *Orlando Sentinel* interviewed PULSE shooting survivor **Sylvia Serrano**, who—along with 21 other survivors—hid in the nightclub's East bathroom, located between the main dance floor and the patio.[407] Barricading themselves in the bathroom by bracing their feet against the door, she stated she heard continued gunfire long after the shooter's initial volleys. According to the OPD's timeline, these survivors were extracted from the building at approximately 2:14 AM.[408] Serrano criticized the police for failing to rescue them sooner, as they were hiding right next to the nightclub's patio exit door.

In response, John Mina stated, "It is not uncommon for people to have different perceptions of time, different vantage points and other points of view." Rather than acknowledging the trauma and fear Serrano experienced—trapped in a windowless bathroom, hearing gunfire from both the shooter and law enforcement without knowing the source, and completely unable to see what was happening—Mina completely dismissed her account without addressing the unique limitations she, in particular, faced as an eyewitness trapped in a bathroom for 13 horrifying minutes.

Mina's blanket dismissal of eyewitness accounts like Serrano's, made less than 13 days after the shooting as OPD faced national criticism over its response, **was not only inhumane, but strategic.** By discrediting the first-hand accounts of PULSE survivors who were actually inside the building as shots rang out and were witnesses to the crime, **Mina positioned himself as the definitive authority on what transpired—despite not being present at PULSE during the shooting response and not having set foot inside of the nightclub at that time**.[409]

This became a pattern, which we are continuing to see play out with the City officials who have taken control of the PULSE memorial and the narrative surrounding its design, the shooting, and the PULSE Nightclub. After years of unwarranted praise, Mina's defense has become a common response we see from local police officers when their failures at PULSE are publicly criticized.

For example, in response to one of our May 2026 posts documenting that 172 bullets were fired by responding officers during the final shootout and only seven hit the shooter, a former Orange County Sheriff's deputy repeated Mina's defense, "If you were not there and not in the fire fight, I suggest you go to the academy, get trained, and do the job." It is worth noting, Rick Schmeltzer was also not in the fire fight.

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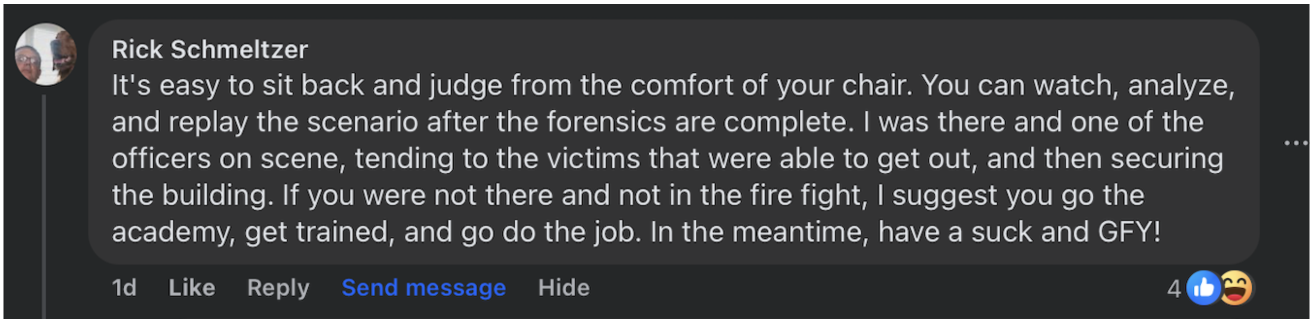
[406] "…Until then, I had been looking at diagrams and pictures and all that, but to actually be inside and see how small that club really is, um, really put it into perspective," Mina said. "OPD Chief John Mina walks inside nightclub," *WKMG*, April 6, 2018, https://www.youtube.com/watch?v=FZqUc-q3LLI.

[407] "Witnesses: Pulse shooter roamed club throughout the ordeal," Christal Hayes, David Harris, and Elyssa Cherney, *Orlando Sentinel*, August 23, 2016, https://www.orlandosentinel.com/2016/06/25/witnesses-pulse-shooter-roamed-club-throughout-ordeal/.

[408] OPD Homicide Unit, Supplemental Report, Case No. No. 2016-242039, (Appendix G). Pg. 9.

[409] John Mina went inside PULSE for his first time a month after the shooting, upon the FBI's release of the building back to its owners, Barbara and Rosario Poma. See, https://www.orlandosentinel.com/2016/07/13/pulse-building-released-back-to-owners/.

He then proceeded to tell our group of families and survivors to "have a suck and GFY! (Go Fuck Yourself)" before we blocked him.



Rick Schmeltzer
It's easy to sit back and judge from the comfort of your chair. You can watch, analyze, and replay the scenario after the forensics are complete. I was there and one of the officers on scene, tending to the victims that were able to get out, and then securing the building. If you were not there and not in the fire fight, I suggest you go the academy, get trained, and go do the job. In the meantime, have a suck and GFY!

Rick Schmeltzer's Facebook Response (May 8, 2026): A retired Orange County Sheriff's deputy parroted Mina's defensive posturing and unabashedly harassed Pulse victims online.

This response—from a former law enforcement officer, directed at grieving families and survivors—is not an aberration. It is what a decade of unaccountable leadership cultivates. Such contempt for the victims that law enforcement failed is precisely why accountability, not reverence, must be the standard.

While Mina dodged criticism of his officers, he did not hesitate to deflect and point to the documented failures of the OFD, whose Chief, Roderick Williams was absent from the Command Post during the response.[410] While Mina used his fabricated PULSE narrative to manipulate the public and advance his political career, eventually being elected Orange County Sheriff, Williams was preoccupied with a sexual harassment investigation and ultimately resigned.

Mina's fictional account of bravery and false claim that officers followed Active Shooter Protocol became a central storyline to his campaign for Orange County Sheriff,[411] which he won, twice.[412] After being elected Sheriff, OSCO used the PULSE response to craft new copaganda.[413]

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[410] "Report reveals new details from Orlando Pulse nightclub shooting," *Associated Press*, April 14, 2017, https://www.jacksonville.com/story/news/2017/04/14/report-reveals-new-details-orlando-pulse-nightclub-shooting/15751034007/; Also see, "Orlando Police Chief discusses response to Pulse shooting," WESH 2, April 14, 2017, https://www.youtube.com/watch?v=5lwPOicdt4c.

[411] "OPD Chief John Mina discusses run for Orange County Sheriff," *WKMG*, April 5, 2018 [date uploaded], https://www.youtube.com/watch?v=TO62D8sl6Go.

[412] "Orlando Police Chief John Mina talks campaign, Pulse," *WKMG* (Click Orlando), June 3, 2018, https://www.youtube.com/watch?v=TaDbe-8TJYs; also see, "Orlando Police Chief John Mina reflects on June 12, 2016," *WKMG (Click Orlando)*, April 5, 2018, https://www.youtube.com/watch?v=mXBOl1R9IGw.

[413] "Brothers make pact to separate at Pulse nightclub," OCSO, June 9, 2021, https://www.youtube.com/watch?v=Chc6dURUR0k.

Mina's shifting responses over time reveal a strategic media campaign that relied on false and unverifiable information and evolved out of necessity as facts gradually emerged. Unfortunately, public attention also shifted with time and distance from the tragedy, and no one went back to question the false claims Mina disseminated to the world at a time when all eyes were on Orlando.

Without careful scrutiny of the City's public statements over the past 10 years and a comparison of those statements to the facts uncovered since the shooting—few would realize the extent to which the City's public relations strategy relied on disinformation and "alternative facts."[414] Without access to the information required to verify and refute the City's version of events, or a sustained independent investigative effort, Orlando's leadership was able to craft false narratives and shield themselves from both justified criticism and legal accountability.

To explain this further, in 2022, following the delayed police response and "systemic failures" in Uvalde, NPR's Jaclyn Diaz provided a succinct history of active-shooter protocol in the United States. She stated:

> *When two students attacked Columbine High School in Littleton, Colorado, in 1999, cops were taught at the time to surround the building and create a perimeter, while tending to the wounded. Students were inside the school for hours, some injured, as they waited to be rescued by members of law enforcement.*[415]

The Columbine shooting (April 20, 1999), as many experts in Active Shooter response tactics have stated and is widely known, changed the way police responded. They realized when you have an active shooter, law enforcement must end the threat as quickly as possible because if they do not, the shooter continues to kill.

Following Columbine, police adopted a strategy to advance upon the shooter; both as a team and solo response. Police were "trained to move towards the sound of gunfire and neutralize the shooter. Their goal is to stop him at all costs. They will walk past a dying child if they must, just to prevent the shooter from killing more."[416]

This was also the case with the OPD in the aftermath of PULSE. Informed by a focus group with OPD SWAT team members, **The Police Foundation** found, "While the previous strategy had been to hold the perimeter and call SWAT, following that school shooting [Columbine] law enforcement modified their response to actively find the shooter or shooters and stop the threat—either in a group formation or, if necessary, through the actions of a single officer."[417] Clearly, OPD knew the protocol and the correct response. They just failed to apply that knowledge and training when victims' lives depended on it.

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[414] Also known as falsehoods. See, Southern Illinois University Edwardsville Library, "What are alternative facts?" https://libguides.siue.edu/c.php?g=1087938&p=7933577.

[415] "The tragic history of police responding too late to active shooters," by Jaclyn Diaz, *NPR*, June 6, 2022. https://www.npr.org/2022/06/06/1102668326/uvalde-police-response-school-shootings

[416] "The Four Most Important Lessons of Columbine" by Dave Cullen, Slate, April 16, 2009. https://slate.com/news-and-politics/2009/04/the-four-most-useful-lessons-of-columbine.html

The Police Foundation came to the unsupported conclusion that "OPD officers' and OCSO deputies' actions at Pulse were consistent and in accordance with these updated Active Shooter trainings nationwide." These two statements are incongruous because if the law enforcement response at PULSE were consistent with Active Shooter training, Gruler and the other initial officers who showed up on the scene while gunfire continued would have immediately risked their lives, entered the club, and neutralized the shooter within the first few minutes—before his rifle jammed and before he was allowed to walk into the bathrooms.

According to a report conducted by the **Police Executive Research Forum**, a nonprofit policy organization in Washington, D.C., from 2000 to 2013, there were 63 mass shooting incidents that authorities were able to time — 70 percent of which lasted 5 minutes or less, with 23 ending in 2 minutes or less, according to the FBI. The agency could not determine times in all 160 cases.[418] Similar data was used in the OPD's active-shooter training, which also showed that of the 18% of Active Shooter incidents stopped by police, 70% were stopped by one officer and 20% were stopped by two officers. Only 10% were stopped by three officers and no incidents were stopped by a four-officer formation.[419]

One of those who stopped further deaths was Police Chief Doug Schroeder. On February 25, 2016, a shooter attacked Excel Industries in Hesston, KS. The shooter killed three people and wounded 12 at a location where there were roughly 150 people working at the time. Police Chief Schroeder was the first officer on the scene, assessed the situation and entered the location himself, exchanged gunfire with the shooter and shot and killed him. Police Chief Schroeder was not injured himself and his solo entry was credited with saving many lives.[420]

Scot Peterson, the armed school resource officer at Marjorie Stoneman Douglas High School, also failed to rush into the school to stop the shooter, along with several other deputies[421] who were subsequently fired after a special commission was formed to analyze the 2018 Parkland shooting and police response.[422] Peterson was arrested, charged, and later acquitted of neglect of a child and culpable negligence in the attack.[423]

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[417] Straub, Frank, Jack Cambria, Jane Castor, Ben Gorban, Brett Meade, David Waltemeyer, and Jennifer Zeunik (The Police Foundation). 2017. Rescue, Response, and Resilience: A Critical Incident Review of the Orlando Public Safety Response to the Attack on the Pulse Nightclub. Critical Response Initiative. Washington, DC: Office of Community Oriented Policing Services.

[418] "Witnesses: Pulse shooter roamed club throughout ordeal," Christal Hayes, David Harris, and Alyssa Cherney, *Orlando Sentinel*, June 25, 2016, https://www.orlandosentinel.com/2016/06/25/witnesses-pulse-shooter-roamed-club-throughout-ordeal/; "Critical Issues in Policing: The Police Response to Active Shooter Incidents," *Police Executive Research Forum*, 2014, https://www.policeforum.org/assets/docs/Critical_Issues_Series/the%20police%20response%20to%20active%20shooter%20incidents%202014.pdf.

[419] "Scenario Based Training: Active Shooter and Casualty Rescue (Rescue Task Force) with OFD." Presentation. 2015. Slide 4. City of Orlando. Request 25-2609.

[420] Police chief who killed active shooter speaks publicly, Seattle Times, April 16, 2018 https://www.seattletimes.com/nation-world/police-chief-who-killed-active-shooter-speaks-publicly/

Gruler, on the other hand, has been celebrated as a hero, given awards, and elevated by national media outlets despite admitting to deciding not to approach the shooter and, instead, watch from outside as the shooter shot into victims on the main dance floor where the majority of victims were killed. Hypocritically, Mina publicly blamed Uvalde officers for a "failure to act" and saying, "… at the end of the day, it's going to be that law enforcement officer that has to have the courage to go in there and save those babies."[424] What Mina's contradiction reveals is this: the courage he demanded at Uvalde was never demanded at PULSE, where the victims were LGBTQ+ people and their families.

No investigation was ever submitted to the State Attorney's Office to review Gruler's actions.[425] Again, an independent special commission was never established by federal, state, or local law enforcement agencies for the PULSE shooting and response. Furthermore, video footage showing Gruler backing away from the nightclub as shots rang out inside was in the possession of law enforcement agencies but kept from the public. It was not until May 31, 2019, that the City of Orlando released this footage totally redacted. It was not until March 20, 2025, that the partially redacted footage was released after multiple public records requests were made with the City over the years.[426] It was not until April 2026 that the most complete version of Mislang's dash cam video was released by the FDLE—a request that was initially made.

In the months after the PULSE shooting, mainstream media covered law enforcement's failure to follow Active Shooter Protocol and the general unacceptability of law enforcement's over-three-hour-plus-long response. At the national level, *The New York Times* referenced the police's "crucial gaps" as it described the SWAT team's struggle to breach the bathroom wall and failure to follow Active Shooter Protocol. The article quotes Louis R. Anemone, a former chief of department for the New York police, who said, "If there were shots being fired when the police arrived, they had a moral obligation to go in."[427] CBS News reported that the, "...decision by law enforcement to hold off on entering the club — where more than 100 people were shot, 49 of them killed — immediately raised questions among experts in police tactics." Those questions, however, were never answered.

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[421] "Two More Deputies Fire for Not Confronting Parkland, Fla., School Shooter," Greg Allen and Barbara Campbell, NPR, June 26, 2019. https://www.npr.org/2019/06/26/736330111/two-more-deputies-fired-for-not-confronting-parkland-fla-school-shooter

[422] "Initial Report," Marjory Stoneman Douglas High School Public Safety Commission, January 2, 2019. http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf

[423] "Parkland shooting verdict: School security officer Scot Peterson acquitted over failure to confront gunman," Mirna Alsharif and David K. Li, *NBC News*, June 29, 2023. https://www.nbcnews.com/news/us-news/parkland-shooting-verdict-jury-reaches-decision-scot-peterson-rcna91145

[424] Orange County Sheriff John Mina discusses DOJ Uvalde investigation report, WFTV, Jan. 23, 2024, https://www.yahoo.com/news/orange-county-sheriff-john-mina-015612908.html

[425] "Pulse, Parkland shootings: Why was 1 cop called hero, the other arrested?" Monivette Cordero, *Orlando Sentinel*, July 7, 2019, https://www.orlandosentinel.com/2019/06/06/pulse-parkland-shootings-why-was-1-cop-called-hero-the-other-arrested/.

[426] Request No. 25-2065 (fulfilled on March 20, 2025); Prior requests for Mislang's video include Request No. 24-2306, Request No. 20-5105, and Request No. 23-8240.

They did not immediately go in. Det. Adam Gruler fired at the shooter from outside the nightclub from behind a vehicle parked near Orange Avenue (at the front end of the PULSE property), where other officers also took cover when they arrived on the scene behind other vehicles.

From behind the parked car, Gruler fired a total of four rounds towards the shooter as victims were fleeing and being shot. These bullets hit the nightclub's exit door, which opened outwards facing Gruler. Gruler then fired three additional rounds from his position outside the nightclub, further away on Orange Avenue through the fence gate and the door to the main dance floor.[428] Shooting continued to go on when other officers arrived. **In short, OPD officers failed to meet Active Shooter Protocol requirements, failed to follow their training, and failed to follow the radioed directive to go inside made by Lt. Scott Smith—who ranks above Gruler.**

Reporting shows that in the first two minutes of radio transmissions between officers, "Orlando Police Lt. Scott Smith seemed to tell Detective Adam Gruler, who was working a security detail outside the club when the shooting started, to go inside the building. But no law enforcement officers entered for another approximately six minutes, until after the rapid gunfire paused because the shooter's assault rifle jammed.[429] Lt. Scott Smith stated, "Hey stay off the radio, you already called 43 Gruler, people are coming to you, if he is still shooting and there are people in there, you need to go contact him."[430] Gruler did not. Instead of approaching the sound of gunfire and going inside to neutralize the shooter, he backed away from the nightclub and took cover behind a vehicle outside where he watched the shooter kill unarmed civilians.[431] He waited for other officers to come, and they did not enter either. **It took over eight minutes, after the shooter's gun jammed and he went into the bathroom, for a single officer to enter the PULSE building.**

In addition to not following protocol during these key moments, Active Shooter Protocol **continued not to be followed by any of the responding officers for the following 40 minutes.** It was only after this time that the situation changed from an Active Shooter to a barricaded gunman who falsely claimed to have a bomb. Again, OPD claimed that the situation turned from an active-shooter situation to a barricaded gunman and hostage situation the moment there was an "extended pause" in shooting,[432] but we know this pause was because the shooter's automatic rifle jammed and he switched to his handgun.[433] We also know that moments later, he fired an additional five rounds from his handgun.[434] The shooter also started shooting again at victims inside the north bathroom. The shooter only aimed at responding officers for the first time in the entire incident after law enforcement breached the western wall in the wrong location.

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[427] "Police Account of Decisions Made During the Orlando Rampage Contains Crucial Gaps," Timothy Williams and Michael Wilson, *New York Times*, June 13, 2016. https://www.nytimes.com/2016/06/14/us/police-account-of-decisions-made-during-orlando-rampage-contains-crucial-gaps.html

[428] Letter from Aramid D. Ayala to Orlando Rolon, February 13, 2019, Re: Florida Department of Law Enforcement Investigative Case #OR-27-0258 Use of Force Review regarding Orlando Police Department Detective Adam Gruler.

[429] "Pulse shooting questions still linger as state attorney clears police in response probe," Beth Kassab, Gal Tziperman Lotan, and Michael Williams, *Orlando Sentinel*, February 15, 2019.https://www.orlandosentinel.com/2019/02/13/pulse-shooting-police-cleared-of-wrongdoing-in-response-to-massacre-state-attorney-says/

[430] The City's official transcripts of this radio transmission were inaccurate. The City documented that Smith stated, "you need to go contact *them*," but it is clear that Smith stated, "you need to go contact *him*"—meaning the shooter, which active-shooter protocol requires.

[431] Appendix I.

What is unnerving, is that a police body cam recorded responding officers comparing the PULSE shooting to the San Bernardino shooting, which happened six months earlier—over an hour into the shooting, as the massacre inside PULSE was still unfolding.[435] Dozens of officers stood outside as victims/survivors were shot and bleeding out in the west bathrooms, as well as being trapped in other areas of the nightclub.

This particular group of officers, recorded by Officer Matthew Davis's body cam, said at 3:17 a.m. during the police response:

> *Officer 1: Dude, there's like 25 people in there.*
>
> *Davis: Yeah.*
>
> *Officer 1: This is like the biggest mass shooting, in fucking….*
>
> *Officer 2: Way worse than San Bernardino.*
>
> *Officer 3: [This] makes it look like fucking Chuckee Cheese.*
>
> *Officer 2: There's like 25 people in there.*
>
> *Officer 3: Yeah, I heard.*
>
> *Officer 4: How many people died in that one, San Bernardino?*
>
> *Officer 2: Nine.*
>
> *Officer 4: Nine?*
>
> *Officer 2: Nine.*

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[432] See OPD timeline in Appendix G.

[433] Ayala. Shoot Review. February 13, 2019.

[434] See OPD timeline in Appendix G.

[435] The file name for Officer Davis suggests that the body cam video starts at roughly 2:59 AM. With the statement coming at around 17:51 minutes into the video recording, this conversation would have taken place roughly around 3:20 AM.

Officer 2: There's still people in the building.[436]

The fact is, 14 people were killed in San Bernardino and that there are many lessons that OPD could have learned from that shooting, which took place on December 2, 2015. The Police Foundation's after-action review of the San Bernardino attack was published weeks before the PULSE attack and closely resembles their PULSE report.[437]

Other responding officers from the Orange County Sheriff's Office also criticized the OPD's response during the response and these criticisms were recorded on their body cameras in real time as they stood outside of the club and victims/survivors remained trapped inside. Body camera footage recorded by OCSO Officer Johnerik Sanchez captured responding officers discussing OPD's failure to immediately engage the shooter. In one recording, an officer stated, "You know OPD wasn't responding after shots fired." In a separate clip recorded later on Sanchez's body camera, another officer discussing Detective Adam Gruler stated: "I don't think he would run in there."

OCSO Officer Mark Rutkowski's body camera also captured officers questioning whether "OPD has a different policy," as there was an off-duty cop (Gruler) who did not respond as required by Active Shooter Protocol.

Taken together, these contemporaneous statements demonstrate confusion and inconsistency regarding OPD protocol, officer expectations, and applicable active shooter response standards, despite years of joint interagency training prior to the PULSE shooting and further undermining claims of a clear, unified, or well-trained operational response.

As of January 2026, when the City of Orlando released sworn affidavits in response to our public records lawsuit, we learned that the issue was not that the Orlando Police Department (OPD) maintained a different active shooter policy than the Orange County Sheriff's Office (OCSO). Rather, it was that neither OPD nor the Orlando Fire Department (OFD) had a written active shooter policy at all.

Paramedics with the Orlando Fire Department, Joshua Granada and Carlos Tavarez, saved 13 lives on June 12, 2016, and they have been openly critical of the City's failed response.

Although some individual officers, firefighters, paramedics, and civilians demonstrated extraordinary bravery, the official public narrative transformed a deeply flawed response into a largely uncritical story of heroism—suppressing scrutiny of the broader operational failures that defined much of the response and protecting City leaders.

Furthermore, documented evidence shows that officers feared for their lives, preventing them from fulfilling their duty to protect and serve. In the case of Gruler, this fear led to their failure to follow Active Shooter Protocol upon arriving at the scene and, instead, staying outside the club and watching the shooter fire volleys inside the club murdering countless victims.

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[436] Officer Matthew Davis Body Cam (0259); City of Orlando.

[437] "Bringing Calm. To Chaos: A critical incident review of the San Bernardino public safety response to the December 2, 2015, terrorist shooting incident at the Inland Regional Center," Rick Braziel, Frank Straub, George Watson, and Rod Hoops, *The Police Foundation*, May 2016, https://www.policinginstitute.org/wp-content/uploads/2016/09/Bringing-Calm-to-Chaos-Final-1.pdf.

Hypocritically, Gruler described the fear he saw in a female officer who was also responding to the scene (Ann Mislang), who refused to advance into the nightclub in the proper formation:

> *...before the pause that's when uh, I spoke with the female officer and ... and we start to put a team together and told her that she was you know long gun up front. Um, she was ... she was hunkered down behind ... behind a car and rightfully so, I... I don't want to speak for her but she ... she looked scared. I... I know I was. Um, and when I said long gun up front, she ... she almost had this look of and I'm not laughing of 'fuck you I'm not going up front'. And I do know I said, 'do I need to take that ... that gun from you'. Because I was advancing. We were going with or without you.*[438]

This was before officers entered the club, while the shooter continued to kill, and before the shooter went into the west bathrooms with trapped victims. Responding officers did not want to do their jobs and risk their lives to save those trapped inside. Risk to officer safety, as we mentioned above, was also the determining factor deciding police would not enter the bathroom where the shooter retreated after his rifle jammed.

On September 17, 2025, Mislang was promoted from Sergeant to Lieutenant. There was no mention of her role in the PULSE response in the OPD's public announcement. Both Gruler and Mislang received Awards of Valor by Chief Mina in 2017.

City officials and local politicians, in addition to John Mina, were key in perpetuating this false narrative. For example, in addition to being honored by the OPD with a Valor Award, Representative Val Demings (wife of then Orange County Sheriff and current Orange County Mayor Jerry L. Demings) also invited Gruler to be her guest at President Trump's State of the Union address.[439] Mayor Buddy Dyer and PULSE owner Barbara Poma routinely repeated the same familiar script at remembrance ceremonies: honoring the 49 "angels" while thanking the "brave first responders;" a formulaic narrative repeated year after year for the past decade.[440] This years-long repetition reinforced a carefully curated public narrative until it became accepted by many as historical fact.

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[438] Gruler, Sworn Testimony, *FDLE Internal Affairs Use of Force Investigation*.

[439] "Pulse nightclub security guard, once hailed a hero, is being sued by victims of the mass shooting," Meagan Flynn, *Washington Post*, June 8, 2018. https://www.washingtonpost.com/news/morning-mix/wp/2018/06/08/pulse-nightclub-security-guard-once-hailed-a-hero-is-being-sued-by-victims-of-the-mass-shooting/.

[440] "First responders recognized for Pulse nightclub attack response," Len Kiese, WFTV, May 4, 2017, https://www.wftv.com/news/local/first-responders-recognized-for-pulse-nightclub-attack-response/519310270/; "City Invites Community to Pulse Remembrance Ceremony," City of Orlando, June 11, 2024, https://www.orlando.gov/News/Press-Releases/2024-Press-Releases/City-of-Orlando-Invites-Community-to-Pulse-Remembrance-Ceremony; "Five Year Remembrance Ceremony," onePULSE Foundation, June 12, 2021, https://www.youtube.com/watch?v=vIOvz9sEuBY&t=1390s.

Ron Hopper, the FBI Special Agent in Charge of the PULSE investigation, helped reinforce the official narrative by publicly praising the OPD for having "perfect timing," a claim difficult to reconcile with a police response that extended for more than three hours. In his first media interview, he praised John Mina and the OPD and appeared to have deviated from the public relations script when he stated:

> *I was in the command post with John Mina and Sheriff (Jerry) Demings when we made the decision to initiate the hostage rescue… **Excellent decision**; **timing was perfect** in that **the situation went from a hostage negotiation to a hostage rescue**, and that is a very fine line to determine when you need to take that action to save the remaining people who were still inside.*[441]

Hopper's exaggerated praise of how "perfect" the timing of the PULSE response is not only untenable, but it goes beyond the FBI's investigative function and his role as an investigator. Furthermore, this statement underscores how responding law enforcement agencies relied on arbitrary and undefined distinctions to justify its failures during the prolonged response and police refusal to follow Active Shooter Protocol. The shifting terminology reveals the instability and inconsistency of the official narrative. Officers and officials alternatively described the event as involving a "momentary pause" or an "extended pause," an "active shooter" who supposedly became a "barricaded gunman with hostages," and a situation that transitioned from "hostage negotiation" to "hostage rescue." These evolving characterizations suggest the absence of clear, consistently applied operational standards and raise questions about whether these labels were being used descriptively or retrospectively to justify tactical decisions made. In 2026 and in response to public records litigation, we were finally able to confirm that the City of Orlando had no written active shooter policy and procedure in place.[442] This, despite the increased frequency of mass shootings at the time.

Mina even referred to the victims and survivors trapped in the south bathroom—separate from where the shooter was holed up—as "hostages," despite the fact that the shooter remained in the north bathroom and never reentered the south bathroom during the three-hour standoff.

The individuals in the south bathroom were not under the shooter's direct control this entire time, making the hostage label both misleading and inaccurate. This framing also ignores the fact that the shooter went into the bathroom as cover from law enforcement—not to hold people hostage in the conventional sense. Just as victims and survivors fled to the bathrooms seeking safety because they were unable to exit the nightclub, the shooter also fled there for his own protection. **At no point were individuals being used as bargaining tools.**

These misleading labels were not based on objective standards but rather on a narrative designed to rationalize inaction and deflect accountability. **The shooter never made demands of the so-called "hostages," who were, in reality, people trying to escape the gunfire. There were no hostage negotiations, as would be expected in a legitimate hostage situation. The shooter's 911 calls made**

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[441] WFTV: FBI special agent recalls his response to Pulse attack

[442] Appendix O.

it clear that his goal was always to kill as many people as possible—not to hold hostages until his demands were met. Describing the shooting as a "barricaded hostage situation" is yet another misrepresentation that was being made as the City withheld the shooter's 911 calls from the public. Almost two dozen media agencies had to sue the City of Orlando to get access to those 911 calls.

Hopper's statements were also irresponsibly made before investigations concluded, again showing how important controlling public perception was over providing the public with the facts.

This was not the only misstep by Hopper. Just three days after the shooting, he prematurely declared, *"This was an act of violence borne out of hate that inflicted terror on an entire community. I would call it a hate crime, I would call it terrorism, it's both."* However, the hate crime designation requires specific legal criteria, and the FBI itself never classified the shooting as a hate crime—because no evidence suggested it was motivated by anti-LGBTQ+ bias.[443] Hopper, who was relatively new to his role at the time,[444] either misunderstood or disregarded these distinctions. Hopper retired from the FBI in 2021 and joined the **Seminole County Sheriff's Office**.[445] In 2025, he led the FBI meetings with families and survivors that took place in downtown Orlando, where we met the new agent leading the still-open case.

In nearly all of John Mina's media interviews, he repeatedly emphasized that brave officers risked their lives and saved "many, many lives." However, the facts tell a different story. Police inaction, critical communication failures that delayed paramedics and firefighters from reaching wounded victims, and a three-hour standoff contributed to the unnecessary loss of life,[446] as did the Poma's code violations and unpermitted renovations that hindered escape and rescue. Law enforcement's actions—and inaction—cost many, many lives.

Even though it has never been stated by Mina, we believe the State Attorney's Office, when Chief Assistant State Attorney Deborah Barra stated:

> *He looped around and he came back towards this area of the club [the Adonis Room] and something significant happened... his assault rifle jammed. We know his assault rifle jammed because there was a spent shell casing that was jammed in the weapon and it required law enforcement to use a dowel in order to unjam it after they recovered his firearm. And that is*

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[443] "Everyone got the Pulse Massacre Story Completely Wrong," Melissa Jeltsen, *Huffington Post*, April 4, 2018, https://www.huffpost.com/entry/noor-salman-pulse-massacre-wrong_n_5ac29ebae4b04646b6454dc2.

[444] "9 Investigates: FBI special agent recalls his response to Pulse attack," Karla Ray, *WFTV*, December 12, 2016, https://www.wftv.com/news/pulse-shooting/9-investigates-fbi-special-agent-recalls-his-response-to-pulse-attack/475346490/.

[445] Ronald Hopper, Federal Bureau of Investigation, Assistant Special Agent in Charge (Retired), Bio, https://cdn.ymaws.com/leadershipseminole.org/resource/resmgr/events/asac_hopper_bio_with_pic.pdf.

[446] E. Reed Smith, Geoff Shapiro & Babak Sarani (2018), "Fatal Wounding Pattern and Causes of Potentially Preventable Death Following the Pulse Night Club Shooting Event," *Prehospital Emergency Care*, 22:6, 662-668, DOI: 10.1080/10903127.2018.1459980.

> *significant because I believe that actually saved lives.*[447]

Again, this happened before responding officers entered the building and roughly 4.5 minutes after the shooting began. After the shooter's rifle jammed, he fled into the south bathroom where he fired additional shots from his handgun. He then went into the north bathroom and fired his handgun and then back to the south bathroom, where he fired over and under the stalls at victims "who were trying to get safety there."[448] He then went back into the north bathroom where he stayed, no longer firing his weapon. Responding officers did not see the shooter go between bathrooms and did not know, at this point, which bathroom he was in.[449] They did, however, hear the sound of gunfire.

Any trained police officer would be able to tell the difference between shots fired from a handgun and shots fired from an assault rifle. They should have been able to determine that those last shots fired were not discharged from an assault rifle, which could have shaped their decision not to breach the bathrooms sooner through the interior hallway.

Mina's lies have also been documented and analyzed by Dr. Jeffrey Badger, a Uvalde native who has analyzed the police responses in both Uvalde and Orlando. Again, this compiled evidence shows that Mina made numerous false statements in the aftermath of the shooting, shielding the OPD from criticism and the City from litigation through promoting a false narrative of law enforcement's response to the shooting. Badger created the following graphic juxtaposing Mina's false statements with documented facts.

In 2026, Badger published a book with Christine Leinonen titled, *Control the False Narrative*. It documents with precision police action and inaction in response to the PULSE shooting.

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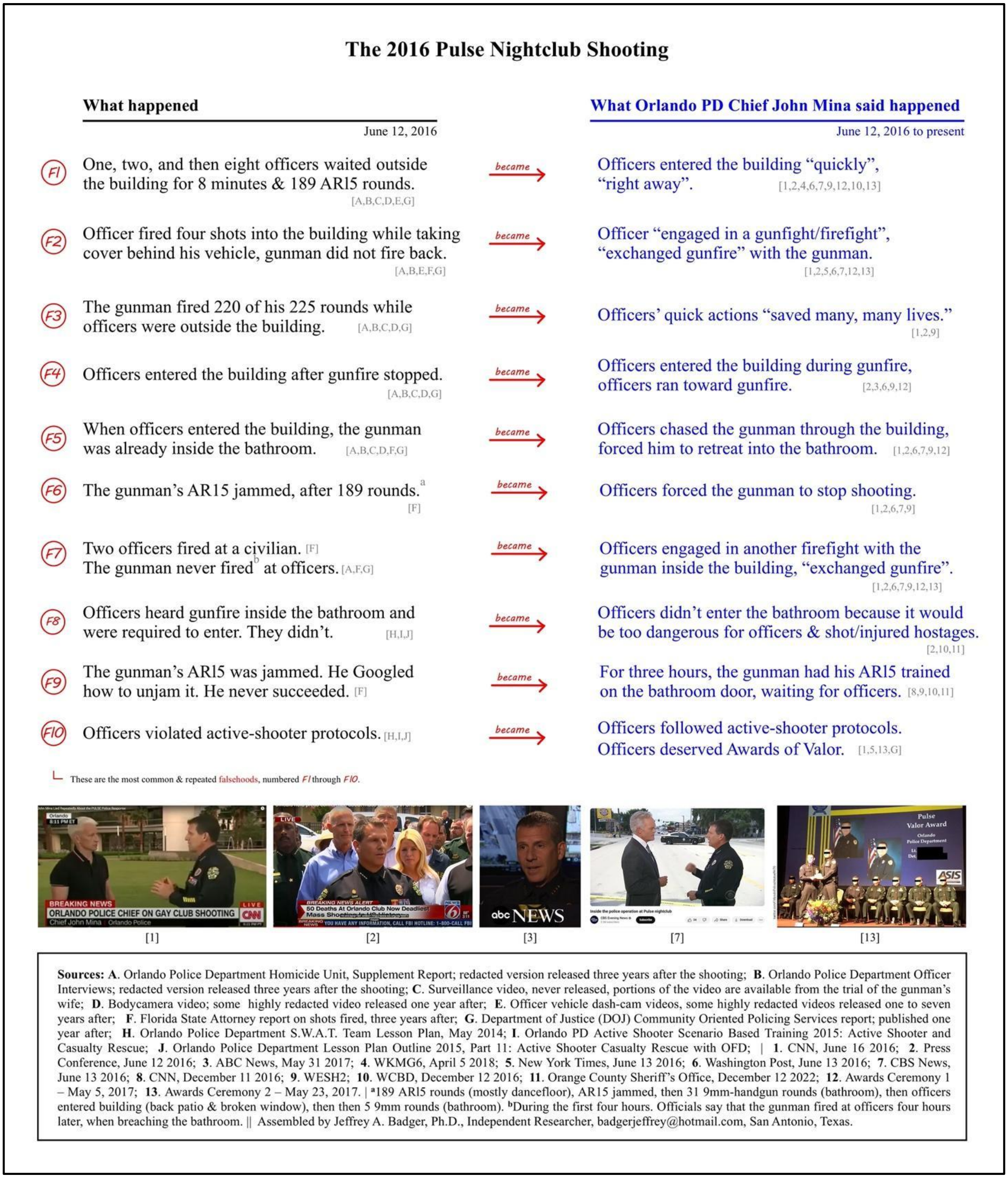
[447] State Attorney Aramis Ayala, Press Conference, Pulse Nightclub Shooting Update, Shoot Review, February 13, 2019, https://www.youtube.com/watch?v=GS8Hkgeh8Xg.

[448] Ibid.

[449] OPD Homicide Unit, Supplemental Report, Appendix G.



The 2016 Pulse Nightclub Shooting

	What happened June 12, 2016		What Orlando PD Chief John Mina said happened June 12, 2016 to present
F1	One, two, and then eight officers waited outside the building for 8 minutes & 189 AR15 rounds. [A,B,C,D,E,G]	became →	Officers entered the building "quickly", "right away". [1,2,4,6,7,9,12,10,13]
F2	Officer fired four shots into the building while taking cover behind his vehicle, gunman did not fire back. [A,B,E,F,G]	became →	Officer "engaged in a gunfight/firefight", "exchanged gunfire" with the gunman. [1,2,5,6,7,12,13]
F3	The gunman fired 220 of his 225 rounds while officers were outside the building. [A,B,C,D,G]	became →	Officers' quick actions "saved many, many lives." [1,2,9]
F4	Officers entered the building after gunfire stopped. [A,B,C,D,G]	became →	Officers entered the building during gunfire, officers ran toward gunfire. [2,3,6,9,12]
F5	When officers entered the building, the gunman was already inside the bathroom. [A,B,C,D,F,G]	became →	Officers chased the gunman through the building, forced him to retreat into the bathroom. [1,2,6,7,9,12]
F6	The gunman's AR15 jammed, after 189 rounds.[a] [F]	became →	Officers forced the gunman to stop shooting. [1,2,6,7,9]
F7	Two officers fired at a civilian. [F] The gunman never fired[b] at officers. [A,F,G]	became →	Officers engaged in another firefight with the gunman inside the building, "exchanged gunfire". [1,2,6,7,9,12,13]
F8	Officers heard gunfire inside the bathroom and were required to enter. They didn't. [H,I,J]	became →	Officers didn't enter the bathroom because it would be too dangerous for officers & shot/injured hostages. [2,10,11]
F9	The gunman's AR15 was jammed. He Googled how to unjam it. He never succeeded. [F]	became →	For three hours, the gunman had his AR15 trained on the bathroom door, waiting for officers. [8,9,10,11]
F10	Officers violated active-shooter protocols. [H,I,J]	became →	Officers followed active-shooter protocols. Officers deserved Awards of Valor. [1,5,13,G]

└ These are the most common & repeated falsehoods, numbered F1 through F10.

BREAKING NEWS
ORLANDO POLICE CHIEF ON GAY CLUB SHOOTING
Chief John Mina | Orlando Police
CNN
[1]
LIVE
BREAKING NEWS ALERT
50 Deaths At Orlando Club Now Deadliest Mass Shooting In US History
YOU HAVE ANY INFORMATION, CALL FBI HOTLINE: 1-800-CALL FBI
[2]
abc NEWS
[3]
Inside the police operation at Pulse nightclub
CBS Evening News
[7]
Pulse
Valor Award
Orlando Police Department
Lt. [redacted]
Det.
ASIS
[13]

Sources: **A**. Orlando Police Department Homicide Unit, Supplement Report; redacted version released three years after the shooting; **B**. Orlando Police Department Officer Interviews; redacted version released three years after the shooting; **C**. Surveillance video, never released, portions of the video are available from the trial of the gunman's wife; **D**. Bodycamera video; some highly redacted video released one year after; **E**. Officer vehicle dash-cam videos, some highly redacted videos released one to seven years after; **F**. Florida State Attorney report on shots fired, three years after; **G**. Department of Justice (DOJ) Community Oriented Policing Services report; published one year after; **H**. Orlando Police Department S.W.A.T. Team Lesson Plan, May 2014; **I**. Orlando PD Active Shooter Scenario Based Training 2015: Active Shooter and Casualty Rescue; **J**. Orlando Police Department Lesson Plan Outline 2015, Part 11: Active Shooter Casualty Rescue with OFD; | **1**. CNN, June 16 2016; **2**. Press Conference, June 12 2016; **3**. ABC News, May 31 2017; **4**. WKMG6, April 5 2018; **5**. New York Times, June 13 2016; **6**. Washington Post, June 13 2016; **7**. CBS News, June 13 2016; **8**. CNN, December 11 2016; **9**. WESH2; **10**. WCBD, December 12 2016; **11**. Orange County Sheriff's Office, December 12 2022; **12**. Awards Ceremony 1 – May 5, 2017; **13**. Awards Ceremony 2 – May 23, 2017. | [a]189 AR15 rounds (mostly dancefloor), AR15 jammed, then 31 9mm-handgun rounds (bathroom), then officers entered building (back patio & broken window), then then 5 9mm rounds (bathroom). [b]During the first four hours. Officials say that the gunman fired at officers four hours later, when breaching the bathroom. || Assembled by Jeffrey A. Badger, Ph.D., Independent Researcher, badgerjeffrey@hotmail.com, San Antonio, Texas.

Dr. Badger's Analysis of Mina's False Statements: Includes sources from various media outlets, events, investigations, and documents. (2025)

The blanket celebration of first responders overlooks significant systemic and individual failures, including instances of documented cowardice and breach of duty. While several individuals did act courageously, it is crucial to focus on recognizing those who truly went above and beyond, rather than offering broad, unquestioning accolades to all first responders. Acknowledging the actions of specific individuals who deserve the praise provides a more accurate and meaningful tribute to the heroes of that night, without giving credit where none is due.

For example, even as we criticize Gruler and others, we also recognize certain individuals and their courageous actions, like:

- Officer Michael Ragsdale and Officer Joseph Imburgio, who passed an officer taking cover in the parking lot, went into the building as soon as they arrived, and immediately began extracting survivors hiding in the east bathroom;
- Those who frantically searched for the building's layout and navigated unpermitted spaces for those who remained trapped inside for hours, and who were brave enough to document their experience in significant detail, like Master Police Officer Timothy Stanley.[450]
- Even though Lt. Scott Smith fired at a wounded survivor trying to escape the south bathroom, he also radioed Gruler brief instructions to follow Active Shooter Protocol—documenting that police knew the proper actions they were required to take. (Gruler failed to do this).
- OPD Det. Chris Haas who meticulously analyzed the available evidence to try to understand how the shooting played out to the fraction of a second;
- Paramedics Carlos Tavarez and Joshua Granada, who defied orders to save 13 lives.
- And the several officers who, with great detail, documented the facts in their sworn interviews recorded in the FDLE's Internal Affairs Use of Force Investigation.

Ultimately, it seems the greatest hero on June 12, 2016, who saved the most lives, was the shell casing that jammed the shooter's rifle. This shell casing should probably be on display at OPD Headquarters or in the City's planned memorial visitor center, not PULSE's beaded curtains and whatever other macabre "artifacts" Pamela Schwartz, the Orange County Regional History Center, and the City of Orlando have removed from the building in their effort to turn the shooting into a tourist attraction.

Criticism and praise are not mutually exclusive, but both must be grounded in verifiable facts.

Revisiting Prior Litigation: Withheld Evidence of Orlando Police Actions "Shocks the Conscience"

Despite all of the falsehoods spread by City officials and the City having a stronghold over local media outlets, PULSE survivors found another way to poke holes in their fictional narrative: through a federal lawsuit against Gruler, other responding OPD officers, and the City of Orlando. The complaint recognized the fact that Gruler "abandon[ed] his post" at the nightclub's entrance, as he left to search for an alleged teenager who entered PULSE using a fake ID. This underage drinker was never identified.

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[450] FDLE Internal Investigation, Use of Force, Appendix I.

Without an officer at the front door, the shooter was able to enter PULSE without being stopped or checked by security. The lawsuit also claimed that 30 other Orlando police officers acted too slowly and failed to protect the nightclub's patrons as the gunman opened fire on the club and then remained holed up in one of the business's bathrooms with trapped victims for more than three hours.[451] They also alleged that OPD failed to train its officers enough to prepare them for a mass shooting.[452]

In this case, *Bienvenido Aracena v. Adam Todd Gruler, John Does 1-20, John Does 21-30, and City of Orlando* (2018), victims' families and survivors sued the City of Orlando and OPD officers "for not preventing the massacre and not going in quickly enough to 'neutralize' the shooter.[453] The case was dismissed with prejudice,[454] and the appeal was also dismissed.[455] However, when reading the order of the presiding federal judge, Paul G. Byron, it is clear that the dismissal was not a dismissal of the underlying allegations, but because of qualified immunity, municipal protections, and the plaintiff's attorneys failed to present sufficient evidence to the court—evidence that was not available then and that is still not available, even though it is being sought through ongoing public records requests and civil litigation.[456]

Judge Byron's ruling stated: "Though a complaint need not contain detailed factual allegations, mere legal conclusions or recitation of the elements of a claim are not enough." The court ultimately found that the complaint failed to state a plausible substantive due process claim, as it lacked enough factual support to demonstrate a constitutional violation. Additionally, the court determined that Gruler was entitled to qualified immunity and that the case also failed to state a basis for municipal liability.[457] This does not mean that the police were cleared or wrongdoing, or that they were ever independently investigated for their actions beyond the FDLE's Use of Force Investigation and State Attorney's "shoot review"—the limited scope of which was to determine whether police shot civilians, not whether or not they failed to do their sworn duty.

However, our research demonstrates how the City of Orlando's "local administrations [were] found inadequate [and were] unwilling to apply the proper corrective." The City of Orlando has refused to acknowledge the facts contained in its own documents, while City leaders continue to state that there is nothing that they would have done differently.

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[451] Ibid.

[452] "Federal judge throws out Pulse victims' lawsuits against Orlando police, city," David Harris, Orlando Sentinel, November 14, 2018. https://www.orlandosentinel.com/2018/11/14/federal-judge-throws-out-pulse-victims-lawsuits-against-orlando-police-city/

[453] See United States District Court, Middle District of Florida, Orlando Division, Case No: 6:18-cv-932-Orl-40KRS. Also, Case: 6:18-cv-00884-PGB-KRS, *Vielma et. al. v. Gruler et. al.* (2018).

[454] Case 6:18-cv-00884-PGB-KRS, Document 74, Filed 12/14/18, United States District Court, Middle District of Florida.

[455] See, Appeal Number: 18-15162-DD (2020).

[456] "Judge Dismisses Lawsuits by Victims in Pulse Nightclub Massacre," *CBS Miami/Associated Press*, November 14, 2018, https://www.cbsnews.com/miami/news/judge-dismisses-lawsuits-by-victims-in-pulse-nightclub-massacre/; The evidence presented throughout this report—including evidence indicating that responding officers failed to follow Active Shooter Protocol and numerous other critical facts surrounding PULSE—only came to light because victims, survivors, and advocates spent years forcing the City's release of records and evidence through relentless public-records requests, legal pressure, and independent investigation.

[457] Document 67, Order, *Bienvenido Aracena v. Adam Gruler, et. al.*, Case 6:18-cv-00884-PGB-KRS, Filed November 14, 2018, page 12.

This is a key element required to establish a Fourteenth Amendment substantive due process claim, which provides that "[n]o State shall deprive any person of life, liberty, or property, without due process of law." As Judge Byron himself noted, the Due Process Clause "was intended to prevent [the] government from abusing [its] power or employing it as an instrument of oppression."[458] That is precisely what has happened—and continues to happen—in Orlando in the ongoing aftermath of the shooting.

We have shown that the tragic loss of human life at PULSE was the result of a confluence of factors: a terrorist act inspired by militant Islamic groups in retaliation of U.S. airstrikes in Syria and Iraq; the City's negligence in failing to enforce critical building, zoning, and life safety codes; the Pulse owners' continued operation in clear violation of these codes; and police inaction and several response failures. When we analyze the records that the City withheld from the public, we can also clearly and undeniably see that responding officers failed to follow Active Shooter Protocol and training.

When we examine the shooting through the lens of these undeniable facts—which include facts the City has publicly denied—it becomes clear that the "entire circumstance" was not one that "begins and ends with a private actor." **It was a systemic failure that began with the City's negligence and the Pomas' failure to follow laws and ended with a deliberate cover-up.**

To date, the City refuses to release records pertaining to the active-shooter training that OPD officers received, particularly in 2015.[459] The records they have released, they have released with significant redactions. The records that have been made publicly available reveal significant contradictions. According to a focus group formed by the Police Foundation with OPD SWAT members, OPD's agency-wide active-shooter training was "consistent and in accordance with… updated active shooter trainings nationwide." These updated training protocols included a response "to actively find the shooter or shooters and stop the threat—either in a group formation or if necessary, through the actions of a single officer." [460]

Gruler's sworn testimony also materially conflicts with statements later attributed to him in the Police Foundation's *Rescue, Response, and Resilience* report regarding OPD training and his actions during the Pulse shooting. The report states that Gruler credited departmental firearms instructors and training staff for his response, claimed the training was "instrumental" in his actions, and asserted that he "did not have a conscious thought the entire time; his actions were instinctive."

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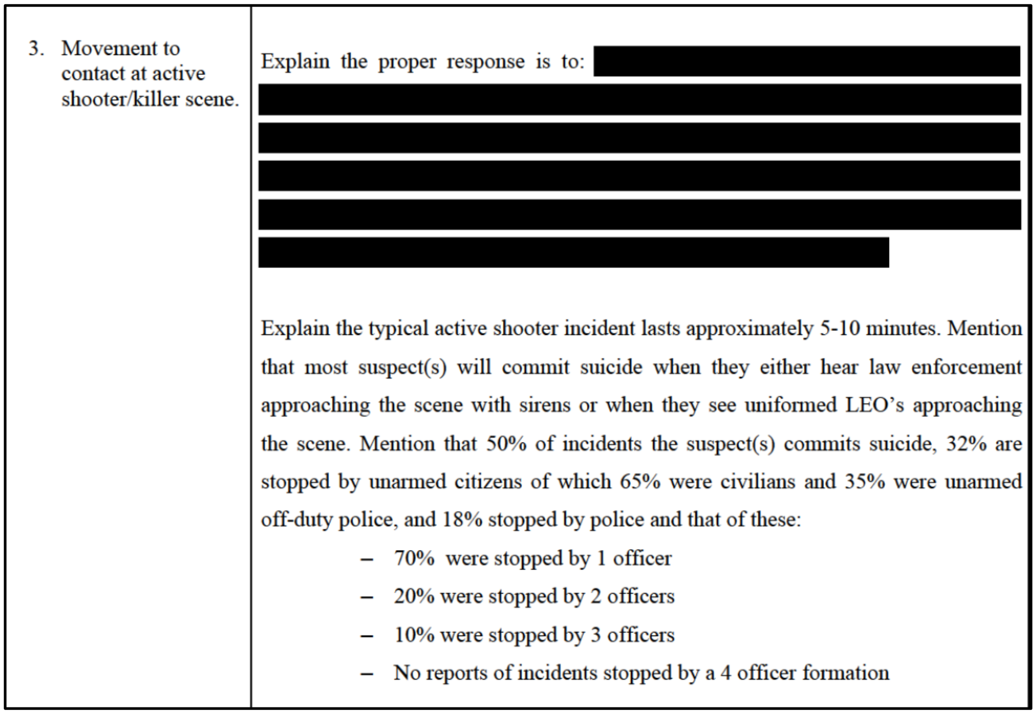
[458] Document 67.

[459] "After repeated requests by the *Orlando Sentinel*, the City of Orlando would not release OPD's policies and procedures for responding to active shooters, hostages and barricaded subjects, citing a public records exemption for "any comprehensive inventory of state and local law enforcement resources." See, "Witnesses: Pulse shooter roamed club throughout ordeal," Christal Hayes, David Harris, and Elyssa Cherney, *Orlando Sentinel*, August 23, 2019, https://www.orlandosentinel.com/2016/06/25/witnesses-pulse-shooter-roamed-club-throughout-ordeal/. Also, Request 25-2609. City of Orlando.

[460] *Rescue, Response, Resilience*. Pg. 65. Refers to Orlando Police Department SWAT team members, focus group with assessment team, January 24, 2017.

However, Gruler's own sworn FDLE testimony presents a markedly different account. There, he explicitly stated that he made a "conscious choice" not to enter the nightclub, explained that he was thinking about his wife and children, and stated that he had decided he was not going to die on June 12, 2016. These are not semantic inconsistencies, but fundamentally different descriptions of officer decision-making, mindset, and the role departmental training allegedly played during the response. The discrepancy raises serious questions regarding how the Police Foundation characterized officer testimony and whether its conclusions accurately reflected the underlying sworn statements on which they purportedly relied.

Rescue, Response, Resilience (Appendix D) documents the OPD's multiple Active Shooter and mass casualty training exercises dating back to 2005. Many were led jointly by the FBI and OPD SWAT, confirming they covered updated Active Shooter Protocols. These training materials also show that initial responding officers knew the correct procedures but failed to follow them—demonstrating a blatant disregard for life and safety. The unredacted portions clearly show that solo-officer responses were the most prevalent approach for stopping an active shooter.[461]



3. Movement to contact at active shooter/killer scene.	Explain the proper response is to: [redacted] Explain the typical active shooter incident lasts approximately 5-10 minutes. Mention that most suspect(s) will commit suicide when they either hear law enforcement approaching the scene with sirens or when they see uniformed LEO's approaching the scene. Mention that 50% of incidents the suspect(s) commits suicide, 32% are stopped by unarmed citizens of which 65% were civilians and 35% were unarmed off-duty police, and 18% stopped by police and that of these: – 70% were stopped by 1 officer – 20% were stopped by 2 officers – 10% were stopped by 3 officers – No reports of incidents stopped by a 4 officer formation

Orlando Police Department Lesson Plan: From the City-redacted 2015 Part 11: Active Shooter/Casualty Rescue with OFD, showing typical active shooter incidents last approximately 5-10 minutes (not over three hours) and that 70% stopped by police were stopped by one officer.

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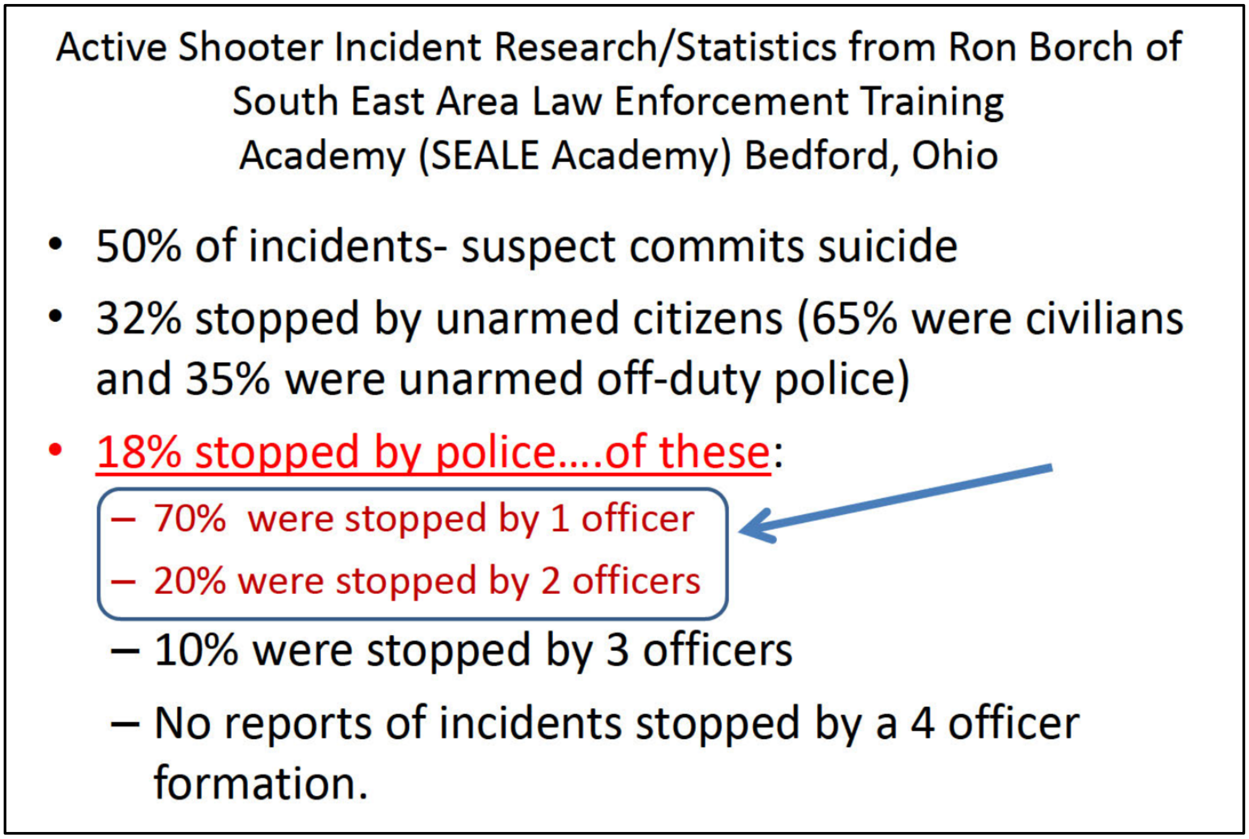
[461] "Scenario Based Training: Active Shooter and Casualty Rescue (Rescue Task Force) with OFD." Presentation. 2015. Slide 4. City of Orlando. Request 25-2609.



Active Shooter Incident Research/Statistics from Ron Borch of South East Area Law Enforcement Training Academy (SEALE Academy) Bedford, Ohio

- 50% of incidents- suspect commits suicide
- 32% stopped by unarmed citizens (65% were civilians and 35% were unarmed off-duty police)
- 18% stopped by police….of these:
  - – 70% were stopped by 1 officer
  - – 20% were stopped by 2 officers
  - – 10% were stopped by 3 officers
  - – No reports of incidents stopped by a 4 officer formation.

Slide 4 from 2015 Active Shooter Training Presentation: From the Scenario Based Training: Active Shooter and Casualty Rescue (Rescue Task Force) with OFD (2015), this slide shows that OPD was clearly taught that the overwhelming majority (70%) of mass shootings stopped by police were stopped by one officer.

As we will continue to demonstrate in the remainder of this report, OPD officers on the scene failed to follow this training within the critical first roughly 10 minutes of the shooting.[462] They refused to enter the club despite hearing and seeing sustained gunfire and despite direct orders radioed from Lt. Scott Smith for Gruler to go inside.[463] Even after Officer Ann Mislang arrived on the scene armed with a rifle, along with Sergeant Ira Morris who had access to a protective shield, no entry was made.[464]

There was no attempt, either solo or as a team, to make entry into the nightclub until after the shooting stopped because the shooter's assault rifle jammed and the shooter fled into the bathrooms.

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[462] Most mass shootings are over within 5 minutes. In urban areas, typical response times to active shooters are even less (2-5 minutes). This is why rapid response is vital and delaying entry increases casualties. This is why, after Columbine, law enforcement doctrine shifted to Immediate Action Doctrine. See, *Active Shooter: How to Respond* (2008), DHS, https://www.dhs.gov/xlibrary/assets/active_shooter_booklet.pdf; "Active Shooter Study: Quick Reference Guide," FBI, 2014, https://www.fbi.gov/file-repository/as-study-quick-reference-guide-updated1.pdf; "Ex-Seal: Battlefield medical techniques needed for civilian shootings," *WTLV*, January 8, 2017, https://www.firstcoastnews.com/article/news/local/ex-seal-battlefield-medical-techniques-needed-for-civilian-shootings/77-383668076.

[463] In law enforcement hierarchy, a lieutenant is above a detective.

[464] FDLE, Internal Affairs Investigation, Use of Force.

Meanwhile, inside, PULSE patrons were completely unarmed, getting shot, begging for help, and had no protection. Rather than following their training, the initial OPD officers on scene took cover behind vehicles outside the club and fired towards the shooter from a safe distance, with their aim limited to the narrow line of sight provided by two open doorways. **Again, Gruler told the FDLE that he watched the shooter shoot victims inside the club from the safety of his position outside the nightclub.**

Lt. Smith's directive to Det. Gruler is consistent with OPD's active-shooter training, yet Gruler told investigators a different story in his sworn testimony. In defense of his cowardice and inaction, Gruler stated:

> *…It was an active shooter; I identified it as a long gun. I was outpowered. I had a handgun; he had a long gun. Um, it was me, our training is not to engage solo when we're out powered. We train, for an active shooter, to advance towards an active shooter with a team. Um, so I was waiting for additional units to show up.*[465]

However, all available records indicate that this was not true, and OPD officers were trained to follow Active Shooter Protocol, which include approach and entry as a single officer.

As recently explained by a local tactical training expert, policy changed after Columbine in 1999, immediate entry became the standard, and police were trained to proceed even as "a team of one." For years before the PULSE shooting, police—including Orlando police—were trained to go right to the shooter and "stop the killing." There is no evidence that shows that Orlando police were trained to wait for backup and doing so is also inconsistent with the documented record, including Lt. Smith's radioed orders for Gruler to "go in and contact him [the shooter]."

Established on August 1, 2023, more than seven years after PULSE, the OPD's Active Assailant Response policy clearly defines "contact teams" and accurately reflects post-Columbine Protocol:

> *A solo officer or a team of officers at the scene of an active assailant tasked with locating, confining, and/or neutralizing any active threat. Contact teams report casualty locations and are also responsible for identifying and communicating casualty collection points (CCP) once the threat has been addressed.*[466]

Elsewhere in the policy, "contact team(s) and/or solo officer" is underlined and states that the mission is to locate the suspect(s) in the most expeditious manner possible to STOP THE KILLING. This policy reflects the same knowledge, methods, and understandings that active shooter protocol required in 2016. However, we now know as the result of our ongoing public records lawsuit the City of Orlando lacked written active-shooter policies at the time of the shooting that would have provided the clarity that the City's 2023 provides.

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[465] Page 5. Gruler Interview Transcripts. IR16-46AG-FDLE. Pg. 119 in FDLE Internal Investigation Use of Force Report. Case Number: OR-27-0258.

[466] Orlando Police Department Policy and Procedure: 1150.0, Active Assailant Response (8/1/2023), *City of Orlando*.

The fact that the City of Orlando—known as the international tourist destination of the world and a known target for terrorism—did not have a formal, written policy is a total leadership failure. The fact that the public has never been made aware of this failure and it was never disclosed by the Police Foundation's analysis and report is even more concerning. Furthermore, the establishment of this policy more than seven years after PULSE, indicates an ongoing leadership failure at the City of Orlando and within the OPD.

Judge Byron, who was appointed by President Barack Obama in 2014, acknowledged that Gruler's conduct could "conceivably be characterized as negligent—perhaps even reckless," but that the evidence presented by the plaintiffs did not show that is rose to the level of a substantive due process violation because it did not "shock the conscience." However, we know that OPD's training did in fact mandate immediate solo engagement under these circumstances—as national standards did and all available evidence suggests. Thus, Gruler's actions could indeed meet the "shocks the conscience" standard, rendering him "plainly incompetent" and disqualifying him from qualified immunity.[467]

Again, the City of Orlando has refused to release the unredacted Active Shooter training records and, nearly a decade after the shooting, these materials still remain withheld. Without access to the very records that could demonstrate conduct rising to the level of actions that "shock the conscience," it is difficult to understand how such evidence could ever be meaningfully presented before a court.

Compounding this problem, this lawsuit was originally filed in 2018—before key investigative materials had been completed or disclosed, and long before many of the underlying facts surrounding the police response became publicly available.

At the time this civil rights case was filed, Gruler's sworn testimony from the FDLE was also not public. Neither were the testimonies of other responding officers. The City of Orlando also did not release the *Pulse Homicide Report*, the most accurate timeline of events, until May 31, 2019—months after the case had already been dismissed.[468]

None of this evidence or the investigative findings of other law enforcement agencies could have been included in the complaint filed with the court in 2018, because they were either being kept by the City or had not yet been created. We only gained access to partial, redacted records on March 12, 2015.[469]

Gruler, along with other responding officers, swore an oath to serve and protect, yet they stood by and watched as the very people they vowed to protect were slaughtered before their eyes. They failed to carry out the immediate action doctrine that Active Shooter Protocols require, which were established at least eight years prior to the PULSE shooting. The Immediate Action Doctrine, often called Immediate

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[467] Document 67, Case 6:18-cv-00884-PGB-KRS.

[468] Pulse Tragedy Public Records, City of Orlando, https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records/

[469] Request No. 25-2609.

Action Rapid Deployment (IARD), is the modern post-Columbine law enforcement principle requiring officers to immediately move toward and confront an active shooter and stop the shooting rather than wait for specialized units, perimeter containment, negotiators, or large tactical formations. The doctrine emerged after the failures at Columbine High School massacre (1999), where officers initially followed older containment-based tactics while victims continued to be shot inside the school. In response, national training standards shifted toward rapid engagement to stop ongoing killing as quickly as possible.[470] The police response at PULSE departed from modern Immediate Action doctrine, which prioritizes rapid engagement to stop ongoing killing rather than tactical delay and containment.

We now have sufficient evidence showing that the actions of Orlando Police do in fact "shock the conscience." The cumulative record developed over the past decade—including delayed body-camera releases, survivor accounts, dispatch records, officer statements, and other newly disclosed evidence—reveals serious operational failures, delayed rescue efforts, deviations from Active Shooter Protocol, and significant unanswered questions regarding decisions made while victims remained trapped inside the nightclub. This evidentiary record stands in stark contrast to the carefully managed public narrative promoted in the immediate aftermath of the shooting, which unfortunately shaped judicial decision.

The conscience-shocking nature of the response arises from the totality of the circumstances: wounded civilians escaping through routes not utilized by armed responders; prolonged delays while victims remained trapped and communicating from inside the nightclub; documented confusion and tactical failures during an active-shooter event; the absence of a rigorous independent investigation into those failures; and the subsequent decade-long fragmented release of evidence while officials publicly promoted narratives minimizing scrutiny of the response. Gruler not being at the front door, where he was supposed to be, is where the conscience first started to get shocked. From that point, Gruler made conscious decisions to hide behind cars, back away from the building, watch civilians get slaughtered from outside the nightclub, and refuse to go in because he did not want to die that night—all facts that were not known when this lawsuit was filed. These were other actions that also shocked the conscience. Then, the prolonged failure to stop the killing, which prevented paramedics from reaching the wounded and stopping the dying, created an escalating chain of events that shocks the conscience as each passing minute compounded the suffering of victims/survivors who remained trapped inside awaiting rescue. Viewed collectively rather than in isolation, these facts present profound accountability concerns that warrant independent review.

Unfortunately, Judge Byron's order also reflects a fundamental misunderstanding of the facts, precisely because these facts were not known and the City's false narrative shaped public understanding of the shooting and the police response. His insistence that this is "a case of unforeseen circumstances," is misguided, as we have already discussed in Chapter 3 pertaining to the Poma's "foreseeability" defense. Judge Byron "reimagined the facts" when he stated that PULSE was "a prolonged emergency created by a well-armed assailant firing dozens of rounds inside a nightclub over hours." As the documented facts show, the shooter did not fire dozens of rounds "over hours." In reality, all shots fired by the shooter occurred within the first approximately 10 minutes and then briefly again in the final moments around

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[470] *Active Shooter: How to Respond* (2008), DHS, https://www.dhs.gov/xlibrary/assets/active_shooter_booklet.pdf.

5:15 AM**.** For most of the time, the shooter was not actively firing, largely because his rifle jammed within the first approximately four-and-a-half minutes. Thus, a fundamental part of Judge Byron's reasoning to dismiss the application of *Olson v. Barrett* is based on misinformation.[471] Furthermore, the plaintiff's attorney Solomon Radner accurately stated, "instead of going in and neutralizing the shooter, he [Gruler] appeared to be primarily concerned about his own safety. He stayed outside where it was safe and allowed dozens of people to be massacred, knowing that was taking place, knowing that he was the only armed person there who could stop this. That was his job."[472] This fact shocks the conscience.

Judge Byron also stated, "municipal governments may not be held liable for failing to train its employees "about their obligation to avoid violating citizens' rights." However, he acknowledged that they could be held liable "where, because of the employee's duties, the need for training is so obvious, and the inadequacy so likely to result in the violation of constitutional rights, that the policymakers of the city can reasonably be said to have been deliberately indifferent to the need."[473] **This is precisely the case with the City of Orlando's failure** to enforce life safety codes at PULSE, as well as the Office of the Mayor's active concealment of these violations from the public. Gruler's apparent misunderstanding of Active Shooter Protocol reflects a training failure, whereas the absence of any written active shooter policy altogether reflects a broader leadership and institutional failure—particularly given that far smaller law enforcement agencies throughout Florida had formal active shooter policies in place by 2016.

After the case was dismissed, Michelle Guido, spokeswoman for the OPD, said the lawsuit "was without merit."[474] This dismissive public relations approach mirrored the rhetoric used by the Pomas' lawyers, who called the ongoing premises liability' lawsuit against them "ridiculous and frivolous." Such statements have been nothing more than attempts to dismiss, delegitimize, and marginalize the claims of victims/survivors before the underlying factual allegations were ever meaningfully examined and before key records were released to the public.

The now-available facts still directly call into question the validity of Judge Byron's dismissal of the civil rights lawsuit and its subsequent appeal. But more importantly, his ruling also highlights a clear pathway forward: with the new evidence uncovered through public records requests—evidence that we have fought to obtain for years and continue to pursue—there is now a well-supported basis for renewed litigation.

In 2018, the OPD released a statement in response to the lawsuit being filed that perpetuated another false narrative: that the PULSE shooting was motivated by anti-LGBTQ hate.

The OPD stated:

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[471] Document 67, Case 6:18-cv-00884-PGB-KRS. Pg. 15.

[472] Flynn, *Washington Post*, June 8, 2018.

[473] Ibid. Pg. 20.

[474] Harris, *Orlando Sentinel*, November 14, 2018.

> *Nearly two years after the horrific act of hate inside the Pulse nightclub, our community continues to mourn… on the morning of June 12, 2016, federal, state, and local law enforcement officers and first responders put themselves in harm's way to save as many lives as possible.*[475]

By characterizing the PULSE shooting as an "act of hate," the OPD reinforced the public misconception that the attack was motivated by anti-LGBTQ+ animus. John Mina similarly helped institutionalize this framing through his close association with the onePULSE Foundation and its slogan, "We Will Not Let Hate Win." Whatever the political or symbolic appeal of this messaging, it transformed a far more complex act of mass violence into a simplified and emotionally resonant public narrative that was repeatedly treated as settled fact. When law enforcement agencies themselves advance contested or unsupported narratives, the consequences extend far beyond public relations, shaping media coverage, public memory, institutional accountability, and broader national understandings of mass violence.

This problematic institutional framing was made visible In a totally different lawsuit brought before the Supreme Court (*303 Creative LLC v. Elenis*, 2023) the false narrative that the PULSE shooting was an "act of hate" became national news. **In her dissenting opinion, Supreme Court Justice Sonia Sotomayor erroneously said the PULSE massacre was driven by anti-gay hate.** In defiance of a homophobic graphic designer in Colorado who refused to design websites for same-sex marriages, Sotomayor wrote:

> *A social system of discrimination created an environment in which LGBT people were unsafe… Who could forget the… the Pulse nightclub massacre, the second-deadliest mass shooting in U.S. history?*

While Sotomayor's position was noble and there are a number of hate crimes that she could have referenced to substantiate her dissent, the PULSE shooting was not one of them.[476] **Justice Gorsuch was right when responded to Sotomayor's opinion and said she, "reimagines the facts."[477]** Unfortunately, the incident was only reported by right-wing conservative media on June 30, 2023.[478]

Furthermore, the opinions and orders issued by Judge Byron and Justice Sotomayor point to a broader structural problem: the way misinformation, institutional narratives, public relations campaigns, and fears of liability can shape public understanding in the aftermath of mass violence before the underlying facts are fully known. The larger question, then, is not simply whether errors were made in this case, but whether courts should render decisions based upon widely circulated narratives that may be incomplete, misleading, or unsupported by the full evidentiary record—particularly when doing so forecloses victims' and survivors' ability to ever present their claims before a jury.

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[475] "31 Orlando police officers sued over their response to PULSE nightclub massacre that left 49 dead," Bill Hutchinson and Justin Doom, *ABC News*, June 7, 2018, https://abcnews.go.com/US/31-orlando-police-officers-sued-response-pulse-nightclub/story?id=55714401.

[476] See Chapter 1. Also, "What really happened that night at Pulse," Time Fitzsimmons, *NBC News*, June 12, 2018, https://www.nbcnews.com/feature/nbc-out/what-really-happened-night-pulse-n882571.

[477] "Gorsuch blasts Sotomayor's dissent in Christian designer ruling: 'Reimagines' facts from 'top to bottom'," Andrew Mark Miller, *Fox News*, June 30, 2023, https://www.foxnews.com/politics/gorsuch-blasts-sotomayors-dissent-in-christian-web-designer-ruling-reimagines-facts-from-top-to-bottom.

[478] "Sotomayor dissent in Christian designer case makes false claim about Pulse nightclub shooting," Aaron Fliegman, *Fox News*, June 30, 2023, https://www.foxnews.com/politics/sotomayor-dissent-christian-designer-case-makes-false-claim-pulse-nightclub-shooting; "Sotomayor claims Pulse shooting was anti-LGBT hate crime in dissent," Brady Knox, *Washington Blade*, June 30, 2023, https://www.washingtonexaminer.com/news/2382321/sotomayor-claims-pulse-shooting-was-anti-lgbt-hate-crime-in-dissent/.

Is it reasonable to require victims/survivors to present specific facts at the pleading stage when those very facts have been withheld, concealed, or otherwise kept from public access? In cases involving mass violence—where plaintiffs often face extraordinary informational barriers, institutional opacity, asymmetries in access to evidence, and a host of other physical and emotional challenges—courts must also confront whether prematurely dismissing such claims prevents the discovery process from uncovering critical facts that could materially alter the legal and factual record.

In Uvalde, the stalled, 77-minute police response (less than half the time as the Pulse response) led to public outrage, a grand jury, and indictments.[479] In Parkland, the stalled response of four minutes resulted in an independent public safety commission.[480] Yet, the City of Orlando avoided this kind of scrutiny and accountability by keeping the facts away from the public, strategically spreading disinformation, and through its ongoing manipulation of the media.

The only "independent" oversight the public received from the government was a public relations document produced by the Police Foundation nonprofit using taxpayer funds. The City of Orlando continues to try to portray this report as a legitimate and comprehensive DOJ investigation, which it is not.

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[479] "Uvalde chief Arredondo didn't stop gunman 'hunting and shooting' students, indictment says," Tony Plohetsky, *Austin American-Stateman*, June 27, 2024, https://www.statesman.com/story/news/local/2024/06/27/uvalde-grand-jury-mass-shooting-issues-indictments-officers-botched-police-response/74205275007/.

[480] "Marjory Stoneman Douglas High School Public Safety Commission: Initial Report," FDLE, January 2, 2019, https://www.fdle.state.fl.us/msdhs/commissionreport.pdf; Also see, https://www.fdle.state.fl.us/MSDHS/Home.aspx.

Pulse
Valor Award
Orlando
Police Department
Lt. Scott Smith
Det. Adam Gruler
ASIS

PULSE Valor Award Ceremony: On May 23, 2017, the OPD posted a video on Twitter and YouTube where Det. Adam Gruler was presented with an award for valor from the Orlando Chapter of ASIS International (a nonprofit of security professionals).[481] Events and social media posts like this helped legitimize the false narrative John Mina put forth. Gruler never engaged in a "gun battle" with the shooter and they never exchanged fire. The shooter was shooting victims when Gruler shot towards the shooter from outside the club. He did not go inside the club until after the shooter went into the bathroom, where he remained during the over-three-hours it took to rescue victims. A few months earlier, on October 18, 2016, Orange County Sheriff's Office held its own Valor Award ceremony. These were two of multiple award ceremonies that functioned not merely as recognition events, but as public narrative-shaping exercises that helped cement a heroic institutional image while minimizing scrutiny of the numerous documented failures surrounding the response.

While John Mina and the City of Orlando were making media rounds to promote the false narrative of PULSE's heroic first responders, Mayor Buddy Dyer, Central Florida politicians, and the nightclub's owners "reimagined the facts" and crafted a public relations strategy of their own.

This strategy not only centered on the widespread adoption of the onePULSE Foundation's marketing slogan, "We Will Not Let Hate Win," but also on the insistence that PULSE was a "safe space," as previously discussed in Chapter 3. Framing PULSE as a sanctuary that had been tragically desecrated and destroyed served multiple purposes: it deflected scrutiny from the City and the Pomas over known violations, helped shield them from civil and criminal liability, facilitated fundraising efforts, and positioned them as LGBTQ+ allies—all while ignoring the harsh reality that their negligence played a direct role in the deaths, injuries, and lasting trauma inflicted upon hundreds of LGBTQ+ individuals and their allies.

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[481] https://x.com/OrlandoPolice/status/867068189519249408.

As Christine Leinonen has publicly questioned,[482] we also ask if this ongoing lack of accountability is because PULSE victims were primarily working class, Black, Latino, immigrant, and LGBTQ+? It is striking to look back, a decade after the shooting, and see that most of the people who have benefitted from the massacre happen to be heterosexual and white:

- Pulse owners Barbara Poma and Rosario Poma, received national recognition as LGBTQ+ advocates and millions out of the shooting through onePULSE, insurance payouts, and the sale of the PULSE property for twice what it was worth to the City of Orlando, when records show they couldn't even afford required life safety features at PULSE before the shooting;

- Orlando Police Chief John Mina was elected Orange County Sheriff, where Rosario Poma had a seat on the Board of the Orange County Sheriff's Foundation. He has also received national recognition and international opportunities because of the PULSE response, including being selected by the DOJ to review the Uvalde shooting.

- Mayor Buddy Dyer, who continues to use PULSE to pander to the LGBTQ+ community, winning multiple re-elections in 2019 and 2023. Now, he is using the memorial as an opportunity to solidify his legacy, aiming to complete it during his last year in office.

Making matters worse, all of these people proliferating these lies joined hands to help each other exploit the shooting and cover up the facts. Even FBI ASAC Ron Hopper helped Barbara Poma fundraise for her exploitative and now disgraced and dissolved nonprofit, the onePULSE Foundation.[483] This is inappropriate when victims/survivors were calling for the nightclub owner and her nonprofit to be investigated by the agency.

It is also worth noting that after the shooting and after John Mina failed upwards and became elected Orange County Sheriff, **Rosario Poma joined the Board of the Orange County Sheriff's Foundation—raising money for John Mina and the Orange County Sheriff's Office.** After we publicly addressed this on our social media pages in 2021, Rosario Poma was removed from the Board.

After the shooting and before Poma's seat on the Board, Aly Benitez was the Vice President of the Sheriff's Foundation from 2016 to 2018. Aly Benitez is the niece of the Pomas' lawyer, Gus Benitez, and also helped build the onePULSE Foundation as Founding Trustee.[484] She also founded and ran her own nonprofit after the shooting named Pulse of Orlando,[485] which appears to have failed to file its final tax forms and never provided an account for all the money raised and distributed. It was listed as inactive on September 28, 2018, after the State of Florida administratively dissolved the company because it failed to file its required annual report.[486] According to her public LinkedIn profile, Aly Benitez now works for J.P. Morgan Private Bank.

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[482] "Pulse, Parkland shootings: Why was 1 cop called hero, the other arrested?" Monivette Cordero, *Orlando Sentinel*, July 7, 2019, https://www.orlandosentinel.com/2019/06/06/pulse-parkland-shootings-why-was-1-cop-called-hero-the-other-arrested/.

[483] At the 2022 TopGolf Fundraiser in Lake Mary, Hopper named in the event's marketing materials and gave remarks together with Barbara Poma and Aly Benitez. See, https://citysurfingorlando.com/2022/03/onepulse-topgolf-celebrating-common-ground-event-to-be-held-at-topgolf-lake-mary-march-31-2022/; onePULSE's exploitation was even publicly acknowledge by Commissioner Patty Sheehan at a City Council Workshop meeting on February 24, 2025, where she stated, "I think that's part of the … horrible things that happened in onePULSE, was that they wanted to make this a tourist attraction and to profit from it. That was disgusting." See, https://www.orlandoweekly.com/news/orlando-pulse-nightclub-memorial-could-finally-be-completed-by-the-end-of-2027-38932590. Also see, "Pulse shooting: FBI Leader Defends Decision to Delay Raid," Karla Ray, *WFTV*, December 13, 2016, https://abcnews.go.com/US/video/pulse-shooting-fbi-leader-defends-decision-delay-raid-44160842.

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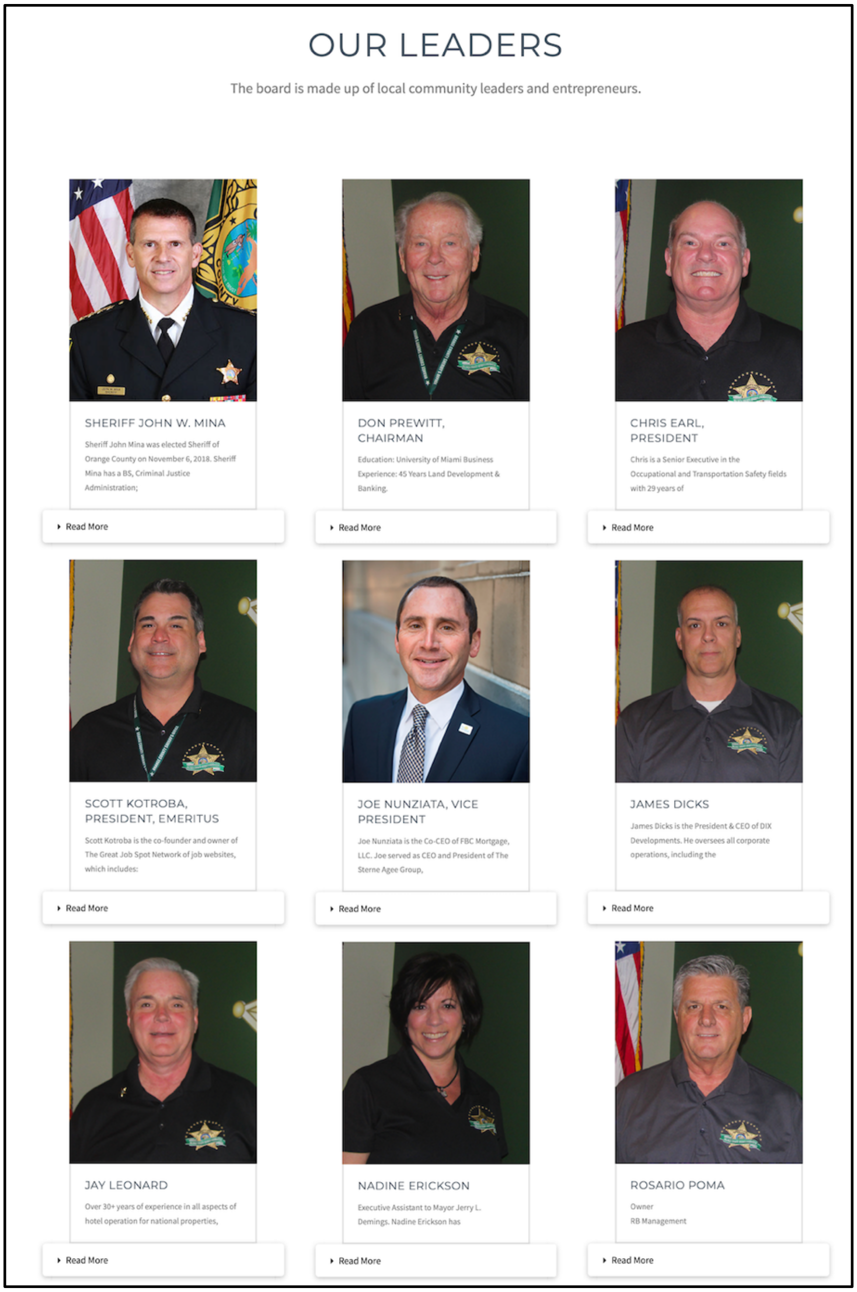
[484] LinkedIn, Aly N. Benitez, MBA.

[485] https://pulseoforlando.org. The website claims the nonprofit collected and distributed over $325,000.00, but it only filed an IRS tax return in 2016. There is no accounting for this money. The revenue listed in the 990 for 2016 is $321,540, and it shows that some money was spent on operational costs (so not all of this went to victims).

[486] https://dos.fl.gov/sunbiz/ and Federal Tax ID #81-2945436.



OUR LEADERS

The board is made up of local community leaders and entrepreneurs.

SHERIFF JOHN W. MINA

Sheriff John Mina was elected Sheriff of Orange County on November 6, 2018. Sheriff Mina has a BS, Criminal Justice Administration;

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DON PREWITT, CHAIRMAN

Education: University of Miami Business Experience: 45 Years Land Development & Banking.

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CHRIS EARL, PRESIDENT

Chris is a Senior Executive in the Occupational and Transportation Safety fields with 29 years of

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SCOTT KOTROBA, PRESIDENT, EMERITUS

Scott Kotroba is the co-founder and owner of The Great Job Spot Network of job websites, which includes:

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JOE NUNZIATA, VICE PRESIDENT

Joe Nunziata is the Co-CEO of FBC Mortgage, LLC. Joe served as CEO and President of The Sterne Agee Group,

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JAMES DICKS

James Dicks is the President & CEO of DIX Developments. He oversees all corporate operations, including the

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JAY LEONARD

Over 30+ years of experience in all aspects of hotel operation for national properties,

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NADINE ERICKSON

Executive Assistant to Mayor Jerry L. Demings. Nadine Erickson has

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ROSARIO POMA

Owner
RB Management

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April 2021 Screenshot showing Rosario Poma (bottom right) on the Board of John Mina's Orange County Sheriff's Foundation (OCSF): According to its website, OCSF was formed to bring together charitable donors, community leaders and nonprofit organizations in support of, and to encourage, non-tax based philanthropic efforts for the benefit of Orange County Sheriff's Office Deputies, employees and their families and innovations in crime fighting, all with the goal of enhancing Sheriff's Office services and to enhance the quality of life by reducing crime and the fear of crime throughout Orange County. **Rosario Poma had a seat on the Sheriff's foundation despite being a character witness for suspected terrorist Jesse Maali, which the FBI was pursuing with OCSO.**[487] Furthermore, Rosario and his wife, Barbara, were not investigated for involuntary manslaughter until 2023, despite the evidence, years after Mina left the OPD. That investigation itself lacked the independence, rigor, and thoroughness expected of a credible inquiry.

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[487] https://www.nejamelaw.com/news/2002/november/-10-million-bond-set-for-orlando-businessman-acc/

Chapter 6: Evading Accountability – How the City of Orlando Confused the Public to Conceal Code Violations

Over the past 10 years, the City of Orlando has repeatedly denied the facts we have uncovered, which are documented in the City's own records. This includes the fact that PULSE operated as a nightclub in violation of its approved use and Conditional Use Permit (CUP), had multiple documented code violations, and had unpermitted renovations inside and outside the building that hindered escape and rescue—often through blatantly false and misleading public statements.

The City's disinformation campaign utilized carefully crafted language that confused journalists and threw them off their investigations when they became too focused on a particular issue. For example, City officials strategically used the words "or not" or "whether or not" and relied on the word "pattern" when denying issues at PULSE. City officials frequently redirected reporters to the City's massive, disorganized, and limited document dump rather than directly answering questions that could reflect negatively on the City or identifying the specific records, photographs, or evidence relevant to those inquiries.

One of the semantic games Chief of Staff Heather Fagan, in particular, played with the media was refusing to answer simple yes or no questions posed by reporters, survivors, victim advocates, or members of the public. For example, when Christal Hayes from the *Orlando Sentinel* asked Fagan if the owners were ever cited by the City of Orlando for the unpermitted fence. Instead of saying, "no, a citation was never issued by the City," Fagan replied:

> *Christal, we provided all the documents the City had related to Pulse from our Economic Development Dept... including permitting, code enforcement, planning, etc. Any citation would be included in the files that we posted on our website, which you have reviewed.*[488]

Instead of providing a clear confirmation—such as a simple "no"—Fagan issued purposely vague statements.

The only apparent reason for doing this would have been to make Hayes second-guess her research into those records showing that the City never issued a citation for the unpermitted fence. This tactic could only be meant to stall or prevent the publication of facts that expose the City's failures by not providing a clear answer that the City never issued a citation. The City's records confirm that Fagan did not help journalists uncover the facts, which is unfortunate given her role as a public servant and that she is one of the highest paid employees in the City whose salary is paid by taxpayers. Recent reporting showed that Fagan was paid **$276,224.00** after being promoted as the Mayor's Chief of Staff and she continues to mislead the public through strategic communications meant to hide the facts.[489]

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[488] Email from Heather Fagan to Christal Hayes, July 27, 2016, 1:06 PM, Subject: Re: Permitting for Pulse; City of Orlando.

Furthermore, it is worth noting that Fagan was promoted to Chief of Staff, in part, due to how she handled the City's public relations after PULSE. The press release from January 15, 2020, announcing her appointment, which has since been removed from the City's website, stated:

> *One of her greatest contributions to the city was following the Pulse tragedy, when she led the City of Orlando's communications response. As Chief of Staff, Fagan will continue to advise on strategic communications and serve as a liaison between the Office of the Mayor, City Commissioners, and community partners, identifying emerging issues and policy initiatives of importance to the city and citizens of Orlando, and advising on ways to address them.*

Records show that Fagan's "strategic communication" after PULSE meant lying to the public and misleading the City's own Council to protect the Mayor and his friends from the exposure of the City's failures and the negligence of the nightclub's owners. Some of the statements made by Fagan—particularly in regard to the Q&A document she helped create and passed to City Commissioners in an attempt to align officials around a unified narrative—appear to be a violation of Florida's False Official Statements statute, § 837.06, Fla. Stat. This statute makes it unlawful for a public servant to knowingly make false written statements with the intent to mislead a public servant performing official duties. It also appears that Fagan may have violated Florida's Official Misconduct statute, § 838.022, Fla. Stat., which makes it illegal for a public servant to knowingly obstruct communication of information relating to wrongdoing, when done to obtain a benefit or cause unlawful harm.

Furthermore, when journalist Hayes asked Fagan whether the unpermitted fence complied with city codes, Fagan did acknowledge the fence did not have a permit. However, she followed this declarative statement with a blatant lie—one that Hayes easily disproved through her reporting. Fagan stated:

> *Our records do not indicate there was a permit for the fence. Because of this the City cannot provide you a date of when the fence was erected. Regarding your question about if it met code…without a permit, which would include a review of plans, it is hard to say whether or not the fence could have met code. There is a process to get variances from various provisions of the LDC but without a permit I can't say whether or not this could be the case.*
>
> *To address unpermitted work, City staff were meeting directly with the owner to obtain the necessary approvals.* ***It appears, the owner did not complete the necessary paperwork to obtain permits.***
>
> ***To our knowledge****, the work done without permits did not create life safety issues or limit the ability for people to get in and out of the club.*

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[489] See email sent to Heather Fagan, et. al. on February 27, 2025, at 7:07 PM. Subject: PULSE MEMORIAL IN THE ORLANDO SENTINEL; City of Orlando.

The fence did, in fact, violate city codes in both height and placement. The City knew this because it had photographic evidence and written records documenting these exact violations. Yet, despite the City's knowledge that the fence violated multiple city codes,[490] Fagan introduced a deceptive narrative concerning the possibility of variances, even though no variances had ever been sought or granted, making the issue wholly inapplicable to the fence violations at issue.

Instead of confirming the violations, Fagan forced Hayes to seek confirmation from another City employee—who ultimately verified that both the height and placement of the fence violated city codes, as Hayes reported in her final story. We too also had to rely on other City employees to give us the facts about the City's codes and the issues at PULSE, as the City's leadership has consistently failed to be transparent, refused to answer questions, and then shut off communication to us from employees in various city departments. This was told to us over the phone in 2019 by the City's Permitting Division and it was even documented in writing when City Attorney Mayanne Downs told city employees to ignore and delete emailed inquiries. **City officials do not engage in this type of conduct absent a perceived need to conceal damaging information, and although it took years to fully piece together the underlying facts, the nature of what was being concealed has now become substantially clearer.**

Fagan's statements are internally contradictory. She first asserted that, "[w]ithout a permit, which would include a review of plans, it is hard to say whether or not the fence could have met code." Yet in the very next sentence, she claimed that "[t]o our knowledge, the work done without permits did not create life safety issues or limit the ability for people to get in and out of the club." These two statements cannot logically coexist. If the City lacked sufficient information to determine whether the fence complied with code, it could not simultaneously possess enough knowledge to conclusively state that the unpermitted work created no life-safety concerns or egress limitations. The documentary record makes the answer clear: the City had already identified and documented the fence as a code violation.

Secondly, if the City truly lacked sufficient information to determine whether the fence complied with code due to the absence of permits and formal plan review, then it could not simultaneously claim certainty that the unpermitted work at PULSE created no life-safety hazards or egress problems. Reaching such a conclusion would itself require the very type of review, inspection, and code analysis Fagan claimed was unavailable. The contradictions are substantial. On one hand, Fagan suggested the City lacked enough documentation to determine whether the fence violated municipal code. On the other, she confidently asserted that the unpermitted work posed no safety concerns—a claim contradicted by witness statements, media reporting, surveillance footage, and the City's own records documenting the fence as a violation. The more plausible explanation is that Fagan's statements were not intended to objectively inform the public, but to obscure the City's regulatory failures through a combination of evasive language and materially false assertions.

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[490] 1912 S. Orange Avenue Memo; City of Orlando. Appendix D; Also, email between Lakisha Hall and Lillian Scott, Sent on July 14, 2010, 3:40 PM, Subject: 1912 S. Orange Ave, which shows the PULSE fence violated setbacks, heigh restrictions, and transparency requirements.

Third, it is worth noting that this statement was not just quickly written by Fagan herself. Rather, it was carefully crafted between Heather Fagan and City attorney Kyle Shephard, as shown in emails sent on July 26, 2016. In one email, they were anticipating Hayes coming back to them and asking why PULSE was never "citated" by the City.[491] The emails demonstrate that City officials were not merely responding to media inquiries in real time, but were actively developing a coordinated strategy for managing, reframing, and minimizing facts that exposed the City's regulatory failures. Rather than directly acknowledging the documented violations, the strategy appears to have centered on controlling the narrative through carefully worded statements, selective omissions, and legally evasive language designed to obscure the underlying facts from public scrutiny.

Another instance of the City providing misleading and confusing statements to journalists occurred years later, on August 3, 2023, when *New York Times* reporter Frances Robles asked PIO Cassandra Bell whether PULSE's fence was ever permitted.[492] Bell responded:

> *We don't have records that indicate whether a permit was received or not. The memorial surrounds the Pulse building now. There is no fence currently surrounding the building.*[493]

This was yet another deliberate attempt to obscure the facts. Bell could have simply stated the fact that there was never a permit for the fence—what *Orlando Sentinel* journalist Hayes had already reported nearly seven years earlier. Instead, she used the vague phrase *"whether a permit was received or not,"* an awkward and unnecessary word choice that further muddled the issue. In reality, the City possesses multiple documents stating, clearly, that the PULSE fence was built without permits and there is no record of a permit ever being applied for or issued. This is a simple fact. There was no permit. Period.

Bell's second statement was an outright lie. The same unpermitted fence remained standing until the building was demolished in 2026; the interim memorial was merely built around it. We photographed it ourselves many times in an effort to document that the City could have inspected the remaining code violations at any time and chose not to—even when we offered to pay for an independent building inspection. This reflects the City's careless approach to accuracy and transparency. Rather than ensuring the public receives truthful information, officials repeatedly appear more concerned with protecting themselves, even at the expense of providing blatantly false statements.

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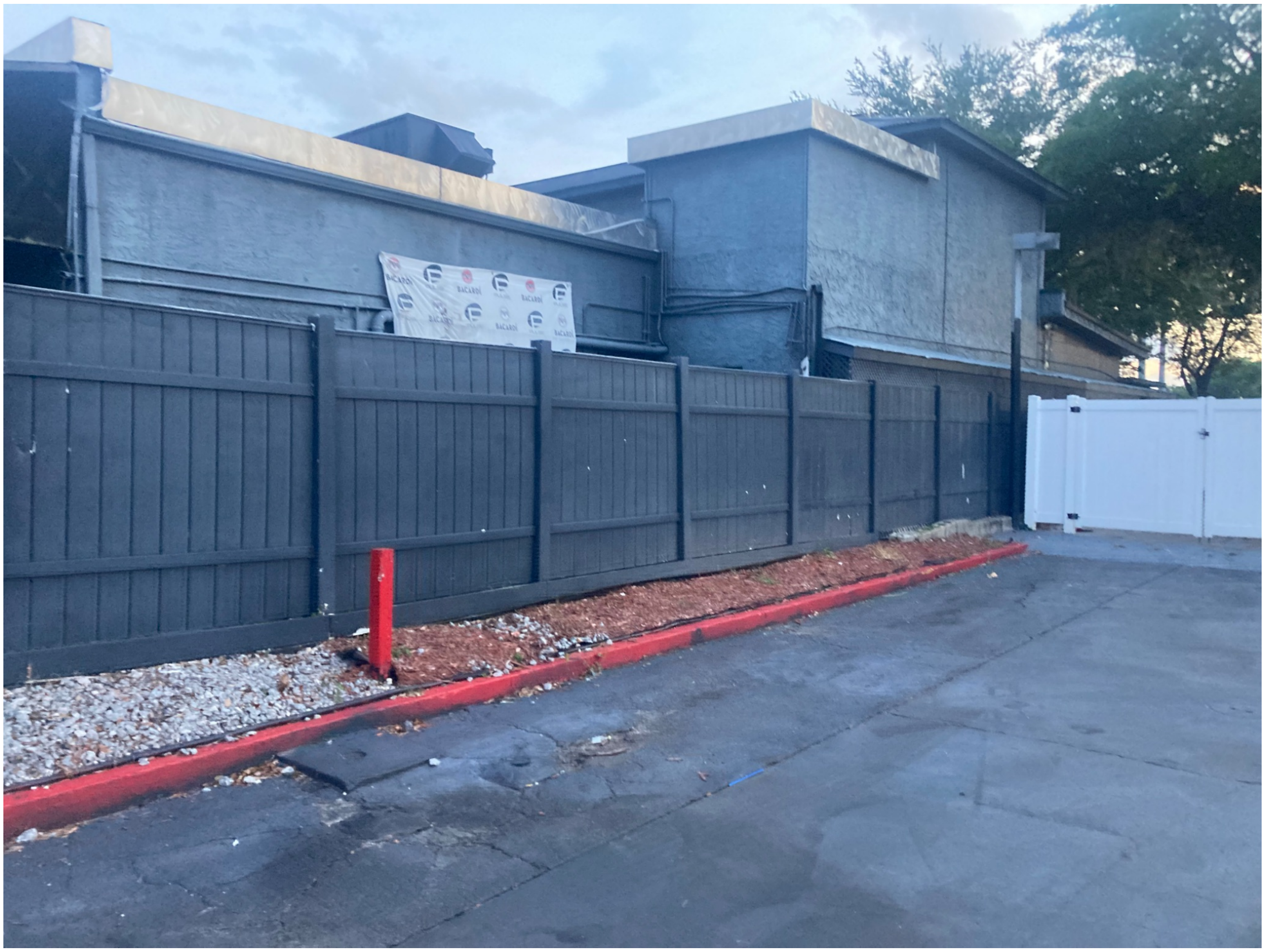
[491] Email between Kyle Shephard and Heather Fagan, July 16, 2016, 6:08 PM Subject: Re: Permitting at Pulse, City of Orlando.

[492] Cassandra Bell was named Cassandra Lasfer at the time of the shooting.

[493] Email from Cassandra Bell to Frances Robles, August 3, 2023, 3:31 PM, City of Orlando. Also, see Request 23-10002.



PULSE's Unpermitted Fence (2022): Photographed on June 9, 2022, before the City of Orlando purchased the building. The fence was also visible to anyone who visited the Pulse Interim Memorial and a number of visitors commented on its height, as the fencing panels were attached to posts about two feet above the ground. The horizontal board at the bottom concealed those post extensions.

The only plausible reason for the City to issue false and misleading statements, neglect to inspect the building for nine years, and conduct a sham investigation is to shield itself from public outrage, litigation, and scrutiny over its own negligence, conflicts of interest, and corruption (i.e., selective enforcement, preferential treatment, etc.). A City interested in true transparency would freely answer all questions posed to it by victims, survivors, and members of the public. The Office of the Mayor would want to do so clearly and supported by facts. Instead, the City of Orlando chose to ignore our 49 Questions campaign,[494] manipulate the public, and conceal the truth—for years.

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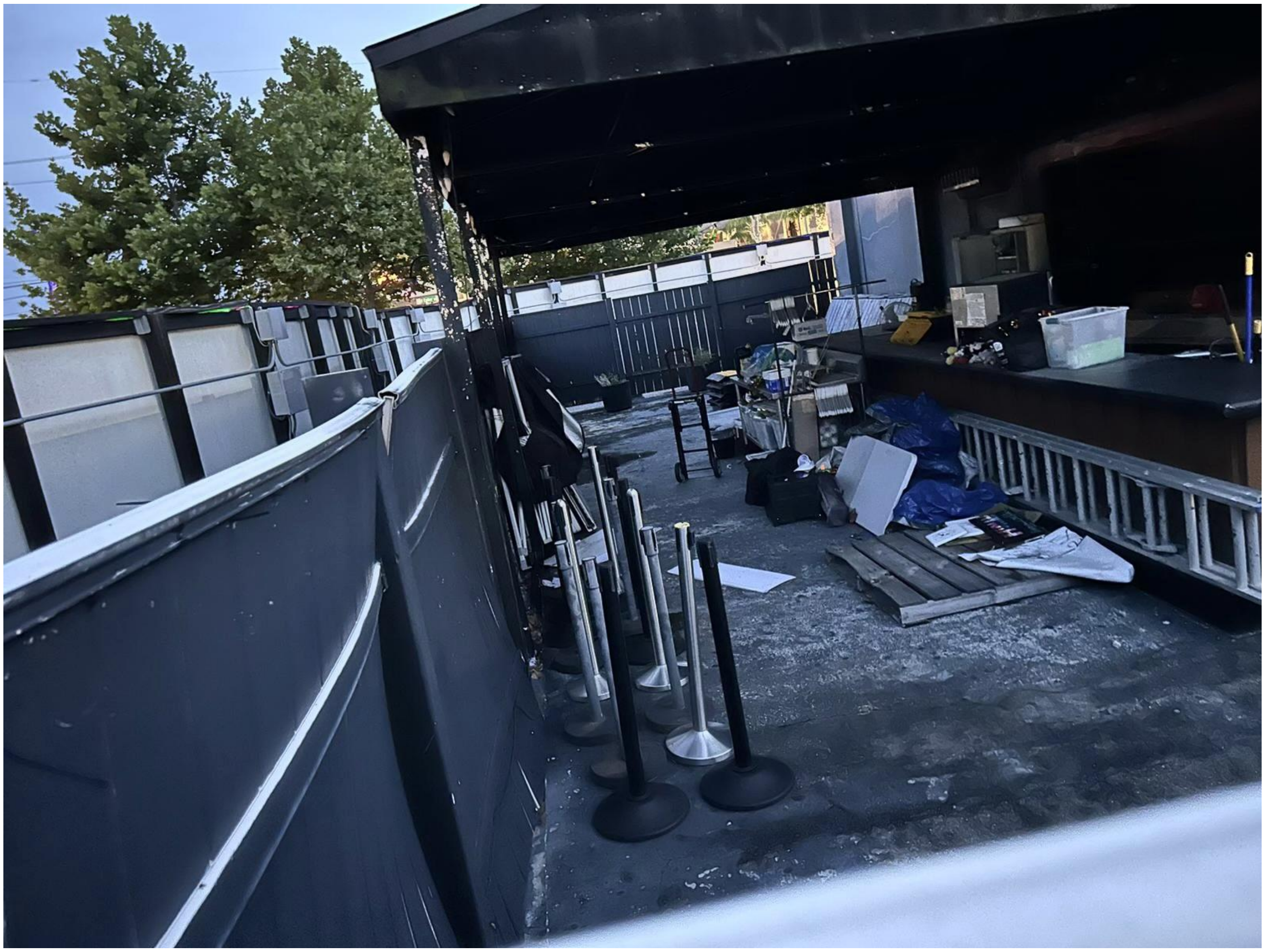
[494] Our 49 Questions campaign was submitted to city officials via email and the City Council on multiple occasions in 2020. Questions were also published on our website and YouTube channel, https://youtu.be/SXEz3FIS2lg?si=6-Ue9jn8k4iuWaP8. These attempts to get answers were completely ignored by the City, who refused to answer any of them. City Attorney Mayanne Downs stated that the City is not obligated to answer any questions.



PULSE's Unpermitted Fence and Patio (2023): Photographed on July 27, 2023, before the City of Orlando purchased the building, showing the fence still standing and contradicting Bell's statement to Robles that the fence in question no longer existed.

As we previously discussed in Chapter 1, the Office of the Mayor lied again to *Orlando Sentinel* reporters in 2021, denying PULSE operated as a nightclub in violation of its CUP.[495]

The Office of the Mayor continued to mislead and lie to the public, whenever it had the chance and was approached by the journalists about these particular issues at PULSE. The City also refused to answer any questions about PULSE brought by victims, survivors, and the public.[496]

The City also continued to refuse to answer any questions asked by victims' families and survivors. This includes ignoring our 2020 49 Questions Campaign, which Commissioner Patty Sheehan claimed in an email the City could not play the video we submitted for the June 15, 2020, City Council Meeting due to a technology issue.

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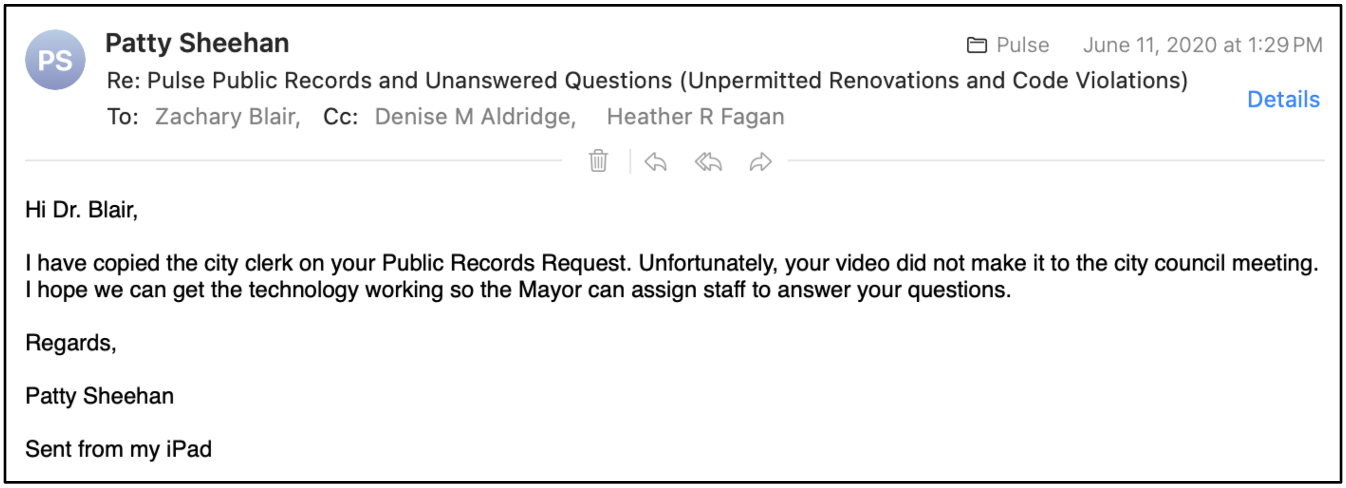
[495] "Despite setbacks and critics, Pulse foundation pushes forward won a memorial and museum," David Harris and Kate Santich, *Orlando Sentinel*, June 10, 2021, https://www.orlandosentinel.com/2021/06/10/despite-setbacks-and-critics-pulse-foundation-pushes-forward-on-memorial-and-museum/.

[496] A Pulse Memorial Museum and Profiteering From Pain," Justin Garcia, *The Nation*, June 11, 2022, https://www.thenation.com/article/activism/pulse-museum-profiteering-pain/.



Patty Sheehan

June 11, 2020 at 1:29 PM

Re: Pulse Public Records and Unanswered Questions (Unpermitted Renovations and Code Violations)

To: Zachary Blair, Cc: Denise M Aldridge, Heather R Fagan

Hi Dr. Blair,

I have copied the city clerk on your Public Records Request. Unfortunately, your video did not make it to the city council meeting. I hope we can get the technology working so the Mayor can assign staff to answer your questions.

Regards,

Patty Sheehan

Sent from my iPad

Commissioner Patty Sheehan's June 11, 2020, Email: Sheehan claims they will assign staff to answer questions. Those answers never came. A follow up email was sent to the City Council on May 16, 2026.

The City's refusal also includes ignoring questions PULSE survivor, Jorshua Hernandez-Carrión, submitted directly to Heather Fagan and City Commissioners on April 6, 2026.

These questions included:

- When was the last time the PULSE had a building inspection by the City? Not an exit check or Fire Department inspection, but a full building inspection?
- When the Orlando Police Department conducted its involuntary manslaughter investigation into the Pomas for the unpermitted renovations and code violations at PULSE, why did they not record its interviews with City staff?
- Did PULSE operate as a nightclub in violation of its conditional use permit?
- Does the City admit that its Permitting Division made mistakes when it came to enforcing compliance at PULSE?
- Why did the City allow PULSE to operate with so many violations for 12 years?
- At what exact time did police enter the building? Did the first police officers on scene, including Det. Adam Gruler, act in accordance with nationally established Active Shooter Protocol?
- Did the Office of the Mayor try to destroy evidence of PULSE's permitting records, code violations, or anything else pertaining to the building—including, "wiping the City's backup server" as alleged by Commissioner Shan Rose?

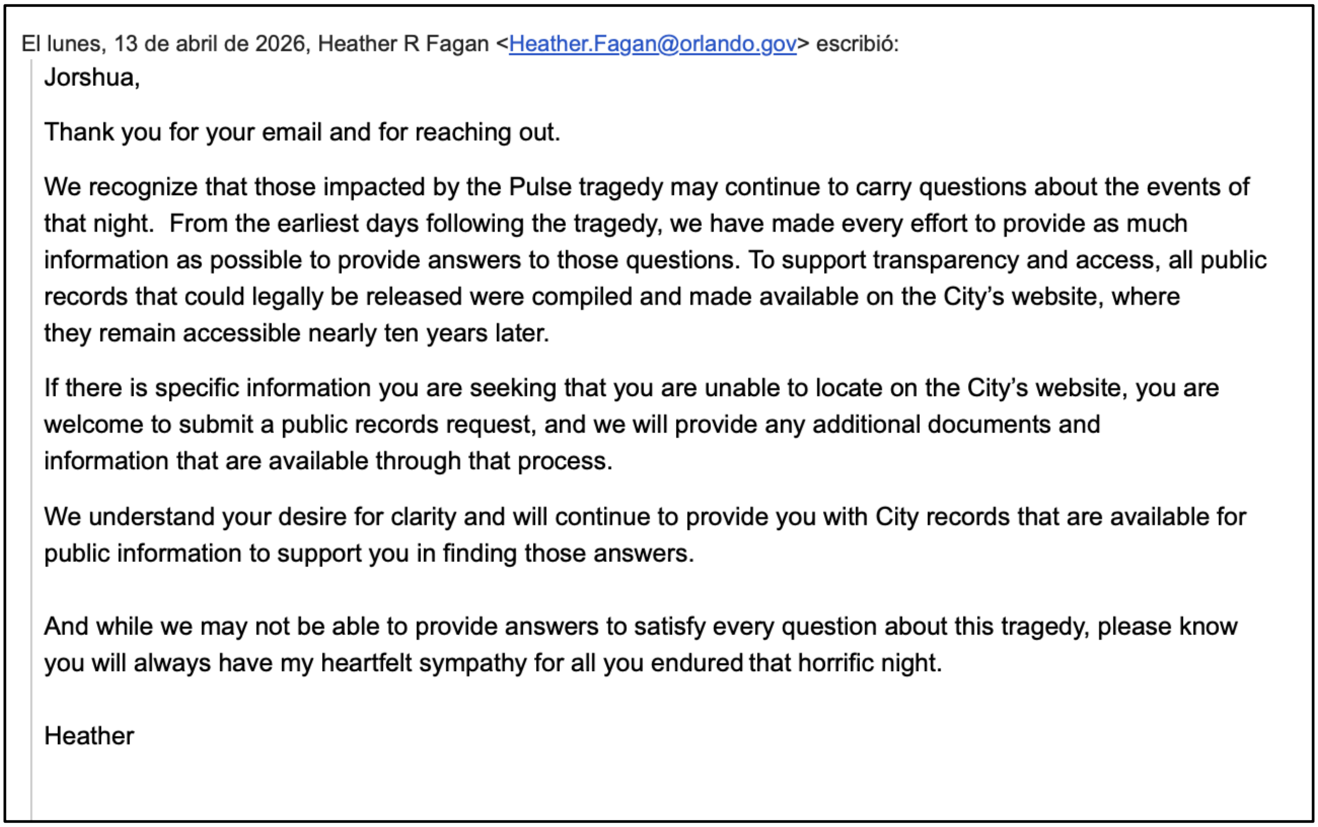
All the questions posed to the City in 2026 that went unanswered can be found in Appendix K.

Fagan responded to Hernandez-Carrión, stating:

> *We recognize that those impacted by the Pulse tragedy may continue to carry questions about the events of that night… If there is specific information you are seeking that you are unable to*

> *locate on the City's website, you are welcome to submit a public records request, and we will provide any additional documents and information that are available through that process… We understand your desire for clarity and will continue to provide you with the City records that are available for public information to support you in finding those answers. And while we may not be able to provide answers to satisfy every question about this tragedy, please know you will always have my heartfelt sympathy for all you endured that horrific night.*

Fagan's response is carefully worded, but ultimately evasive. Rather than directly addressing the survivor's concerns or answering the substantive questions being raised nearly a decade after the shooting, Fagan's emailed response relies on generalized statements about "transparency," "access," and "public records" while avoiding any acknowledgment of the City's documented withholding of records, narrative management, or regulatory failures. Her response repeatedly implies that the City has already provided all legally releasable information and has acted with maximum transparency, despite years of disputes over withheld records, incomplete disclosures, redactions, delayed releases, and unresolved factual contradictions surrounding the City's actions before and after the shooting.



El lunes, 13 de abril de 2026, Heather R Fagan <Heather.Fagan@orlando.gov> escribió:

Jorshua,

Thank you for your email and for reaching out.

We recognize that those impacted by the Pulse tragedy may continue to carry questions about the events of that night. From the earliest days following the tragedy, we have made every effort to provide as much information as possible to provide answers to those questions. To support transparency and access, all public records that could legally be released were compiled and made available on the City's website, where they remain accessible nearly ten years later.

If there is specific information you are seeking that you are unable to locate on the City's website, you are welcome to submit a public records request, and we will provide any additional documents and information that are available through that process.

We understand your desire for clarity and will continue to provide you with City records that are available for public information to support you in finding those answers.

And while we may not be able to provide answers to satisfy every question about this tragedy, please know you will always have my heartfelt sympathy for all you endured that horrific night.

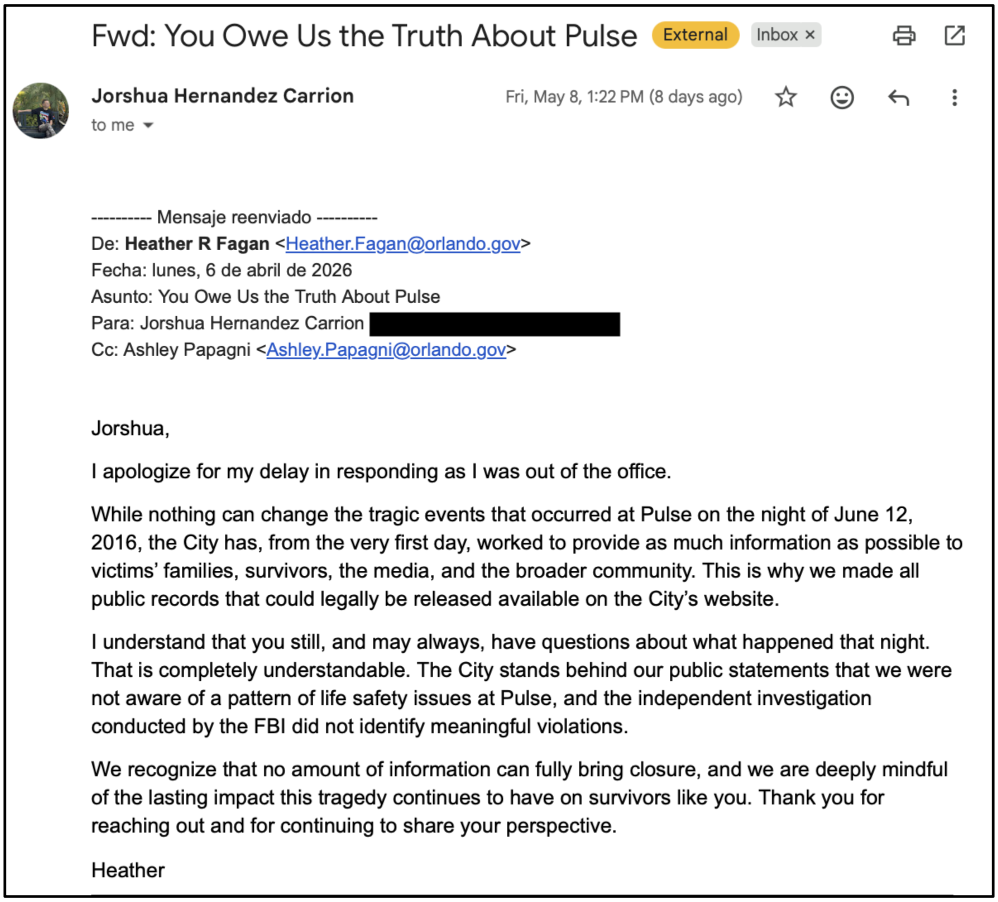
Heather

Emailed Response to Hernandez-Carrión from Fagan: On April 13, 2026, Fagan evaded answering direct questions by responding to those 10 questions with this response.

The email (above) also reframes the problem as one in which Hernandez-Carrión is merely unable to "locate" information on the City's website, rather than acknowledging the much more serious allegation: that critical information was never meaningfully disclosed, was buried within massive document dumps, or remains concealed altogether. In doing so, the response subtly shifts responsibility onto the survivor to continue searching through thousands of pages of records and requesting more (in addition to the hundreds we have already requested over the course of the past decade) instead of providing direct answers to direct questions. The language is notably procedural and defensive, emphasizing records processes and public portals rather than accountability, factual clarification, or institutional responsibility.

Most strikingly, Fagan states that the City "may not be able to provide answers to satisfy every question about this tragedy," a phrase that appears designed to normalize the absence of answers while avoiding a critical distinction between unknowable facts and facts the City itself possesses, controls, or that Fagan herself helped obscure. The central questions survivors continue raising concern the City's own conduct, records, code enforcement actions, police response, and decision-making processes—subjects uniquely within governmental knowledge and control. As a result, the email reads less as a genuine effort toward transparency and more as a carefully managed institutional response intended to project sympathy while avoiding substantive accountability. This is demeaning.

What's worse, is this was one of two responses from Fagan to Hernandez-Carrión. The first response (below) was equally troubling.



Fwd: You Owe Us the Truth About Pulse

Jorshua Hernandez Carrion
to me
Fri, May 8, 1:22 PM (8 days ago)

---------- Mensaje reenviado ---------
De: **Heather R Fagan** <Heather.Fagan@orlando.gov>
Fecha: lunes, 6 de abril de 2026
Asunto: You Owe Us the Truth About Pulse
Para: Jorshua Hernandez Carrion [redacted]
Cc: Ashley Papagni <Ashley.Papagni@orlando.gov>

Jorshua,

I apologize for my delay in responding as I was out of the office.

While nothing can change the tragic events that occurred at Pulse on the night of June 12, 2016, the City has, from the very first day, worked to provide as much information as possible to victims' families, survivors, the media, and the broader community. This is why we made all public records that could legally be released available on the City's website.

I understand that you still, and may always, have questions about what happened that night. That is completely understandable. The City stands behind our public statements that we were not aware of a pattern of life safety issues at Pulse, and the independent investigation conducted by the FBI did not identify meaningful violations.

We recognize that no amount of information can fully bring closure, and we are deeply mindful of the lasting impact this tragedy continues to have on survivors like you. Thank you for reaching out and for continuing to share your perspective.

Heather

Email to PULSE Survivor Hernandez-Carrión from Fagan: On April 6, 2026, Fagan responded to Jorshua with a patronizing email and still did not answer questions.

Fagan’s email is notable not only for what it says, but for what it carefully avoids saying. Her response opens with broad and emotionally resonant language about tragedy, transparency, and closure, yet never directly addresses the specific factual allegations raised by the Hernandez-Carrión.

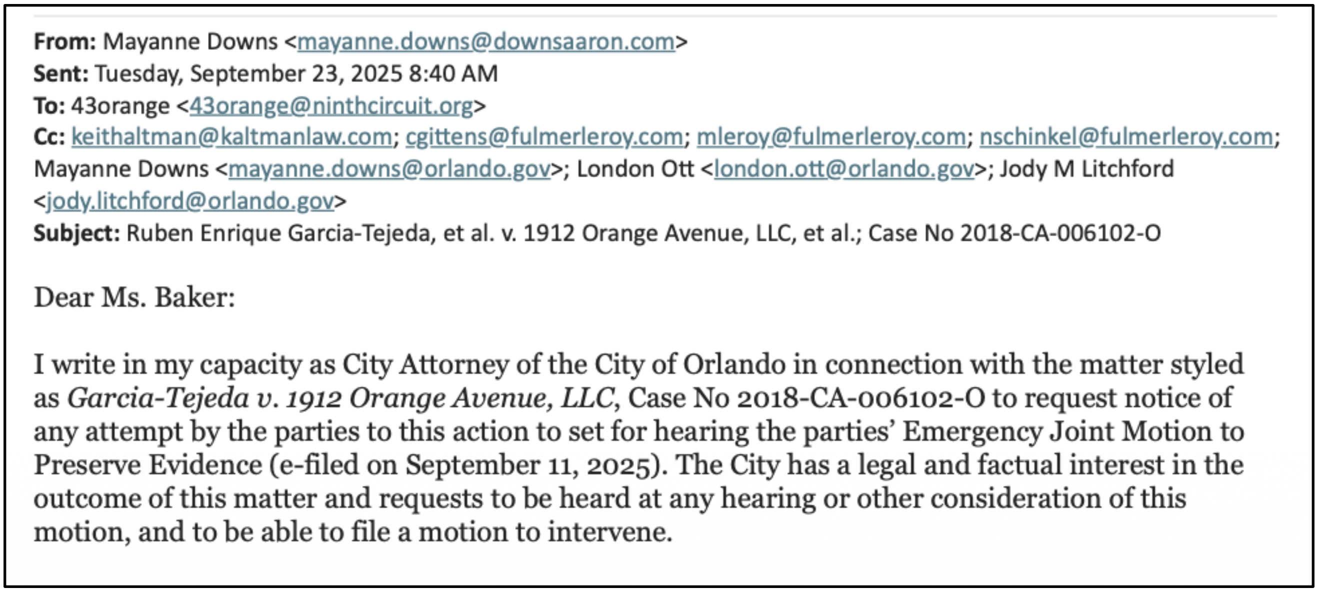
Instead, the City once again relies on generalized claims that it has provided “as much information as possible” and released all records that “could legally be released,” despite longstanding disputes over withheld records, delayed disclosures, incomplete productions, and evidence that critical information was either buried, obscured, or never meaningfully disclosed at all. Not to mention an ongoing legal battle over public records in Orange County civil court.

More significantly, the email repeats two of the City’s most carefully constructed narrative formulations: that officials were “*not aware of a pattern of life safety issues at Pulse*” and that an “*independent investigation conducted by the FBI did not identify meaningful violations*.” Both statements are deeply misleading in context.

The use of the term “pattern” reframes the issue away from whether documented violations existed and toward the narrower and highly subjective question of whether the City chose to characterize those violations as recurring or systemic. **Likewise, the phrase “meaningful violations”** is undefined and functions rhetorically to minimize or dismiss documented hazards without directly disputing the underlying facts themselves.

The most problematic statement, however, is the assertion that the FBI conducted an “**independent investigation**” into these life-safety issues and failed to identify violations. In meetings with the FBI in 2025, our families and survivors were informed that **the FBI had not conducted the type of independent regulatory or life-safety investigation the City repeatedly implies occurred.** Rather, federal officials indicated that they had largely understood these matters to be civil issues prior to those meetings. This distinction is critical.

The City’s language creates the impression that federal investigators comprehensively examined and cleared the nightclub’s code compliance and the City’s regulatory conduct, when no such independent investigation into those issues ever occurred. Then, the City demolished the building knowing that the lawyer representing victims’ families and survivors in the ongoing premises liability case against the PULSE owners was seeking to have the building preserved for their trial. A motion that was struck down after the City Attorney emailed the bench.



From: Mayanne Downs <mayanne.downs@downsaaron.com>
Sent: Tuesday, September 23, 2025 8:40 AM
To: 43orange <43orange@ninthcircuit.org>
Cc: keithaltman@kaltmanlaw.com; cgittens@fulmerleroy.com; mleroy@fulmerleroy.com; nschinkel@fulmerleroy.com; Mayanne Downs <mayanne.downs@orlando.gov>; London Ott <london.ott@orlando.gov>; Jody M Litchford <jody.litchford@orlando.gov>
Subject: Ruben Enrique Garcia-Tejeda, et al. v. 1912 Orange Avenue, LLC, et al.; Case No 2018-CA-006102-O

Dear Ms. Baker:

I write in my capacity as City Attorney of the City of Orlando in connection with the matter styled as *Garcia-Tejeda v. 1912 Orange Avenue, LLC*, Case No 2018-CA-006102-O to request notice of any attempt by the parties to this action to set for hearing the parties' Emergency Joint Motion to Preserve Evidence (e-filed on September 11, 2025). The City has a legal and factual interest in the outcome of this matter and requests to be heard at any hearing or other consideration of this motion, and to be able to file a motion to intervene.

Email Sent to Chambers by City Attorney Mayanne Downs: September 23, 2025: The existence of this email, followed by the court's decision to strike the victims' motion to preserve the building, is deeply troubling. At minimum, it raises serious concerns regarding ex parte communications, procedural fairness, and the appearance of institutional influence in litigation involving victims/survivors seeking to preserve critical evidence. The sequence of events is particularly disturbing given that the motion concerned preservation of the crime scene itself — evidence central to unresolved factual disputes surrounding the shooting, the building's condition, and the City's prior regulatory conduct.

The structure of the Fagan's email is also revealing. Fagan repeatedly substitutes emotionally conciliatory language for factual engagement, emphasizing sympathy, closure, and "sharing your perspective" while avoiding direct responses to the survivor's actual questions. Even the statement that "no amount of information can fully bring closure" subtly reframes the issue as emotional dissatisfaction rather than an ongoing dispute over unresolved facts, withheld evidence, contradictory public statements, and the City's own conduct before and after the massacre.

The result is a carefully managed institutional response that projects compassion while simultaneously reinforcing disputed public narratives and discouraging further scrutiny. This type of narrative management and carefully calibrated public messaging is precisely the "strategic communications" work for which Fagan was ultimately rewarded and promoted.

As late as May 15, 2023, following our Mother's Day Press Conference outside of City Hall, *Spectrum News 13* asked Mayor Buddy Dyer about our calls for an investigation into onePULSE, the Pomas, and the City. He responded by saying, "I do know that we looked at issues surrounding life safety back in 2016, but we couldn't find any issues related to that with Pulse building itself."[497]

Mayor Dyer said this when we know that the City never inspected the building, and the City never brought PULSE into compliance. The City failed to conduct a thorough inspection of PULSE's life-safety compliance because officials deliberately called off the planned post-shooting inspection, and no independent review or investigation ever replaced it. In doing so, the City avoided a unique and critical opportunity to assess potential structural, code, and safety violations in the immediate aftermath of the massacre. Officials justified this decision by claiming the building was vacant and therefore not subject to inspection, despite the onePULSE Foundation continuing to lease and use the property for years after the shooting.

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[497] "Orlando mayor speaks following calls for investigation into onePULSE and the city," Curtis McCloud, Spectrum 13, May 16, 2023, https://mynews13.com/fl/orlando/news/2023/05/16/amid-calls-for-investigation-orlando-mayor-says-city-found-no-safety-concerns-.

Again, the City's later assertion that it did not identify life-safety issues when it purportedly "looked at" the PULSE building does not establish that such hazards did not exist at the time of the shooting. The documentary record instead shows a longstanding pattern of noncompliance, lax enforcement, incomplete oversight, and deficient recordkeeping surrounding the nightclub. For years, the City failed to adequately document or address known issues, including the absence of accurate building plans and the failure to issue citations for documented code violations over a twelve-year period.

Spectrum News 13's reporting is also an example of a missed opportunity to press the City for further clarification. For example, if we took Dyer's word, then why not ask, who conducted this so-called review and what specific measures were taken to evaluate Pulse's compliance with life safety codes? The journalist also took Dyer's words and falsely stated that these concerns were "investigated" back in 2016. However, there was no investigation. City officials just "looked at" their own written records as they prepared for imminent civil and criminal litigation. This is not an investigation. There was not even a building inspection. What occurred was not an independent or comprehensive investigation, but a limited internal records review conducted primarily to assess and manage the City's own legal exposure.

It was not until 2023–2024—more than seven years after the shooting—that the City initiated a sham investigation in response to over 30 complaints filed by victims' families and survivors with the OPD. Even then, the resulting "investigation" was narrowly constructed, factually deficient, methodologically flawed, and limited in ways that appeared designed to avoid meaningful scrutiny rather than uncover the truth. Rather than conducting a rigorous or independent inquiry, the City engaged in a highly controlled, surface-level review that avoided confronting even the most basic and well-documented facts surrounding PULSE, with no effort to investigate the onePULSE Foundation, which was also the subject of filed complaints.[498]

For some reason, too many local journalists failed to press City officials for specifics or in-depth answers and often looked no further once they received a quick response from City officials to publish. This is unfortunate, because the public depends on our local media to hold government officials accountable. That watchdog function is one of the core reasons a free press is protected under the First Amendment: not to simply reproduce official statements, but to critically investigate those in power, test governmental claims against evidence, and inform the public when officials are being deceptive, evasive, or untruthful.

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[498] Appendix A.

Journalism serves the public interest most effectively when it scrutinizes institutional power rather than amplifying untrue official narratives without meaningful challenge. Journalists are really all we have to get the facts when the City of Orlando refuses to answer us directly and then crafts language meant to deceive in its public statements.

Instead, many local journalists have simply published statements made by the Office of the Mayor, even when they deny the documented facts and discredit victims/survivors, victim advocates, City employees, and even the City's own records—all to shield the City from accountability and litigation.

In October 2023, after journalists continued questioning the City regarding the detailed allegations raised in police complaints filed by victims' families and survivors, the City issued a statement asserting that "*Pulse did not have a pattern of life safety issues, and in fact investigations did not show any meaningful violations. Nor did they have any at the time of the shooting*."[499]

Again, as we mentioned above, the wording of this statement is significant.

Rather than directly addressing the specific documented violations and factual allegations being raised, the City relied on carefully qualified terms such as (1) **"pattern,"** (2) **"investigations,"** and (3) **"meaningful"** — words broad enough to create the impression that the allegations lacked substance while simultaneously avoiding direct engagement with the underlying facts.

(1) Again, the term "pattern" reframes the issue from whether violations existed on June 12, 2016, to whether officials subjectively believed enough violations existed over time to constitute a recurring systemic problem. Likewise, the City's reference to "investigations" suggests the existence of comprehensive and independent inquiries, despite the absence of a thorough post-shooting building inspection or any genuinely independent examination of PULSE's life-safety compliance. **Of all of the investigations done by the FBI, FDLE, and State Attorney's Office, none looked comprehensively at the code violations, unpermitted renovations, code violations, or police failure to follow Active Shooter Protocol. Rather, the scope of all of those investigations was limited.** The use of the term "meaningful" is similarly subjective and undefined, allowing officials to minimize documented violations by implicitly characterizing them as insignificant. Collectively, this language functions less as a factual rebuttal than as a carefully constructed public-relations formulation designed to cast doubt on survivor accounts and documented evidence without squarely denying the underlying facts themselves.

    There was an obvious, years-long pattern of letting the Pomas get away with noncompliance. The City failed to thoroughly document any of PULSE's violations in writing, even though the evidence exists in photographs, allowing the Pomas to operate and illegally modify PULSE without the proper permits and without issuing citations. **The City's code enforcement and compliance workers failed to do their job effectively. This was the**

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[499] "Families speak out after City of Orlando strikes deal to purchase Pulse nightclub property," Michelle Meredith, *WESH 2*, October 19, 2023. https://www.wesh.com/article/orlando-pulse-property-sale-reaction/45590360.

pattern.

This is made obvious through reporting and the City's own public records. It is also important to note, again, that exit checks and fire inspections look for specific issues at specific times of the day or night. They are not necessarily looking at building code violations, especially if inspectors are told that updated building plans were not required by management (i.e. Timothy Johnson).[500]

Thus, the City's claim that it did not find a "pattern of life safety issues" is not based on a legitimate investigation, a *building* inspection, or even the City's own records. Rather, the City came to this subjective determination relying on its own lack of documentation as evidence, creating a self-fulfilling conclusion that absolves it of responsibility rather than acknowledging systemic failures in enforcement and oversight. This claim ignores the documented code violations, unpermitted renovations, and life safety violations that are documented and existed at the nightclub at the time of the shooting.

The City's ongoing use of the word "pattern" to deny documented issues at PULSE, which began in 2016, was also noted by *WESH 2* reporters in 2016 and 2024. Their reporters were also given the same repeated and carefully standardized statements by the City after the photograph of the blocked exit became public nearly nine years after the shooting, reflecting a familiar and reliable strategy of narrative management the City has repeatedly used to deflect scrutiny and avoid directly addressing the underlying facts.[501]

However, and perhaps more importantly, *New York Times* reporter Frances Robles addressed the City's misleading language directly in 2016, immediately following the shooting, when she asked the City specifically for the photo of the blocked exit that Fire Marshal Tammy Hughes referred to in her text messages. Robles stated:

> *My question: No "pattern" ... does that mean that there was a door blocked by just not a "pattern" of doors blocked?... I notice that the Pulse statement makes a point to say that no "public exit doors" were blocked—which seems to imply that in fact a door was blocked, just not an exit door used by the public. So, I ask if you are relying on the same semantical distinction. My question is: Was any door blocked, regardless of whether it was an official exit door or what the purpose of the door was. How does the Fire Department reconcile the fire marshal's emails and text messages saying that a door was blocked?*[502]

The City lied to Robles and said the photograph was already posted on the City's website. It was not.[503] When Robles asked Papagni for additional clarification, Heather Fagan told Papagni, “I would tell her you represent the Fire Dept. and you can’t answer questions related to permitting.”[504] This exchange shows that City officials were not merely limiting information provided to the media but actively controlling and withholding critical evidence while simultaneously directing journalists away from the very records and photographs that contradicted the City’s public narrative. Rather than disclose the photograph documenting the blocked exit, officials falsely claimed it had already been released and then attempted to narrow the scope of permissible questioning once reporters began pressing for clarification.

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[500] See, Occupancy Load Activity, Entry for April 30, 2010, Thomas Blaha. City of Orlando.

[501] "Newly released photo from Pulse nightclub massacre reignites blocked exit debate," Michelle Imperato, *WESH 2*, March 28, 2025, https://www.wesh.com/article/photo-2016-pulse-nightclub-massacre-blocked-exit/64313970.

[502] Email, Frances Robles and Ashley Papagni, Subj: Another series of questions, June 28, 2016, 5:32 PM. City of Orlando.

This occurred despite PULSE victim Capo bleeding out in a room with a door blocked by a beverage machine after wounded survivor Ubiles tried to unsuccessfully move it to escape to the outside. The City knew that photo existed, yet they continued to lie to journalists and withhold that photo from the public.

This is clear evidence of the City’s coverup under the direction of Heather Fagan, who was later promoted to one of the highest paid positions in the City.

(2) Again, for the City to repeatedly claim “investigations did not show any meaningful violations” is purposely misleading. The City knew that there were no investigations into the code violations and unpermitted renovations at PULSE, until the OPD conducted and released their deeply flawed “investigation” months later in 2024. There were numerous investigations, yes, but all of them were focused on specific issues pertaining to the shooting and were limited in scope.

For example, the FBI’s investigation focused on the shooter himself, his wife, potential ties to terrorism, the sequence of events during the attack, and an inconclusive ballistic analysis.

Separately, the FDLE investigated law enforcement’s use of force, while State Attorney Aramis Ayala publicly acknowledged that her office did not investigate Detective Gruler’s actions and instead also narrowly confined its “shoot review” to officer use of force to determine whether police gunfire struck civilians. Those investigations ultimately cleared all involved officers despite evidentiary gaps.[505]

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[503] Emails between Frances Robles and Asley Papagni, June 28, 2016, Subject: Re: Chief/marshal, City of Orlando. Also, on October 3, 2023, the City falsely claimed it released “The city of Orlando cooperated with the FBI’s investigation of the Pulse tragedy and provided full transparency by the release of all public records online.” Source: *West Orlando News*, “Orlando Mayor Buddy Dyer Refuses to Resign from OnePULSE Foundation.” This is roughly a year and a half before the City released the additional photos of PULSE taken by the OPD, which were never released to the public before and showed the blocked exit.

[504] Email, Ashely Papagni and Heather Fagan, Subj: Re: Chief/marshal, June 28, 2016, 2:16 PDT. City of Orlando.

[505] Ayala even started off her press conference by ensuring the public knew just how limited in scope her “Shoot Review” was, stating: “It is important to note that the scope of my office’s involvement and the investigation is limited to two things: **number one, a review of shots fired by law enforcement that night; and number 2, a determination of whether or not those shots were justified**. All other details are outside the scope of my responsibilities as State Attorney.” See: State Attorney Aramis Ayala Press Conference, Pulse Nightclub Shooting Update, Shoot Review, February 13, 2019, https://www.youtube.com/watch?v=GS8Hkgeh8Xg

Thus, prior investigations did not identify “meaningful violations” because the alleged code violations, regulatory failures, and broader life-safety issues were never meaningfully examined within the scope of those investigations in the first place.

This means that the OPD’s compromised and deficient investigation into these issues was **the only** purported effort to investigate the code violations and unpermitted renovations at PULSE. Unfortunately, it was not much more than a rudimentary analysis of the limited records and information that we compiled four years earlier. The OPD used our outdated *They Knew* report and did not bother to examine any of the records and information we collected in the years since we published that report, nor did they interview survivors in any meaningful way (and in some cases stated it was unable to interview victims outside the U.S. by telephone or other remote means) about their first-hand witness accounts nor the victim advocates who collected those records.

In short, the OPD’s investigation lacked fundamental investigative rigor, leaving substantial evidentiary gaps and numerous critical issues unresolved.

This was a purposeful attempt to shield the City.

OPD investigators also did not speak to anyone outside of the state of Florida, which is a significant number of those directly impacted, and of those who filed complaints with OPD. Furthermore, **while the OPD recorded all their interviews with PULSE victims/survivors, they did not document or record any of their interviews with City officials, including Timothy Johnson and Lilian Scott-Payne.**[506] These omissions are deeply troubling and underscore the need for an independent investigation by the FBI, conducted by professional investigators with no ties to the City or the OPD.

(3) To characterize these violations as lacking “meaningful” significance is not only dismissive but deeply revealing of how City officials have consistently attempted to minimize documented hazards connected to the shooting.

The City was fully aware—through survivor accounts, media reporting, internal records, and the *Orlando Sentinel*’s reporting—that PULSE’s unpermitted fence itself was a known code violation that materially affected escape during the massacre. Multiple survivors described on-the-record being forced to climb and jump over the illegal fence while fleeing gunfire. Others reported that the fence obstructed escape routes, creating bottlenecks and chain-reaction crowding that trapped additional patrons inside the nightclub during critical moments of the attack. One survivor is recorded on surveillance footage having to drop kick part of the fence in order for survivors to escape the premises of the PULSE nightclub death trap.

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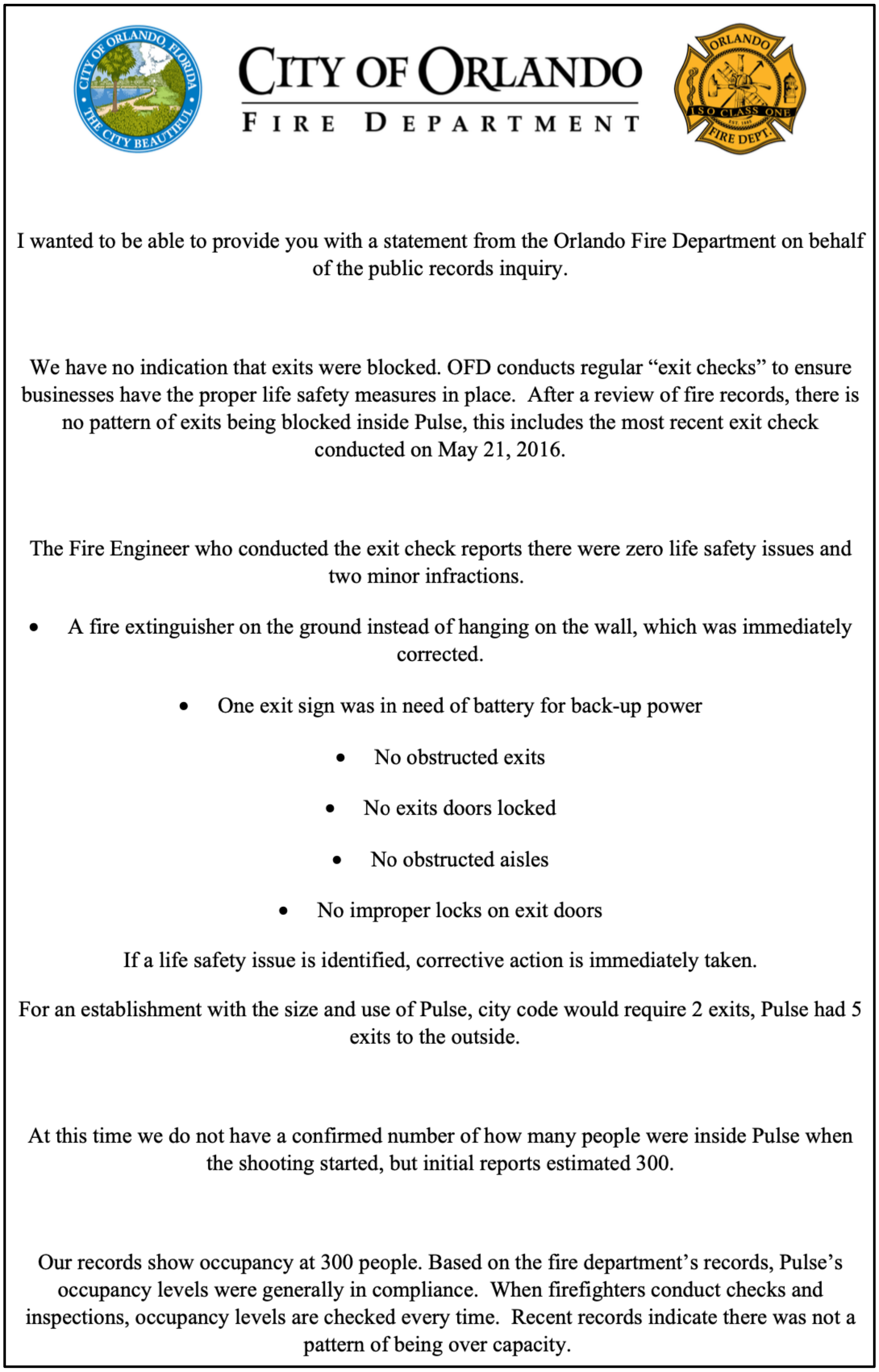
[506] See email between Dr. Zachary Blair and Record Department, March 10, 2025, 4:43 PM, Re: Please Re-Open the Following Requests in Next Request: 24-11738, and 25-2065, 25-2052. City of Orlando.

One victim, Jean Carlos Mendez Perez, was killed on the illegally enclosed and constructed outdoor patio.

These are not speculative allegations or abstract technical code issues. They concern physical barriers that survivors encountered in real time while attempting to flee a mass shooting.

The City nevertheless continues relying on carefully qualified language such as “meaningful violations” in order to rhetorically minimize or reframe the significance of these facts without directly disputing them. The problem with this formulation is that it avoids the obvious question: meaningful to whom? **To survivors who were forced to scale the fence to escape? To those trapped behind crowd congestion exacerbated by the enclosure? To the family of the person who died on the patio?** By using vague and subjective terminology rather than directly addressing the documented conditions themselves, City officials transform concrete life-safety concerns into semantic exercises designed to dilute accountability and obscure the practical consequences of the City’s own regulatory failures.



CITY OF ORLANDO
FIRE DEPARTMENT

I wanted to be able to provide you with a statement from the Orlando Fire Department on behalf of the public records inquiry.

We have no indication that exits were blocked. OFD conducts regular “exit checks” to ensure businesses have the proper life safety measures in place. After a review of fire records, there is no pattern of exits being blocked inside Pulse, this includes the most recent exit check conducted on May 21, 2016.

The Fire Engineer who conducted the exit check reports there were zero life safety issues and two minor infractions.

- A fire extinguisher on the ground instead of hanging on the wall, which was immediately corrected.
- One exit sign was in need of battery for back-up power
- No obstructed exits
- No exits doors locked
- No obstructed aisles
- No improper locks on exit doors

If a life safety issue is identified, corrective action is immediately taken.

For an establishment with the size and use of Pulse, city code would require 2 exits, Pulse had 5 exits to the outside.

At this time we do not have a confirmed number of how many people were inside Pulse when the shooting started, but initial reports estimated 300.

Our records show occupancy at 300 people. Based on the fire department’s records, Pulse’s occupancy levels were generally in compliance. When firefighters conduct checks and inspections, occupancy levels are checked every time. Recent records indicate there was not a pattern of being over capacity.

June 28, 2016, Public Statement Issued by the City of Orlando: **Here, the City falsely asserted that no exits were blocked. Its reference to “5 exits to the outside” is also misleading, as four of those doors opened only into illegally enclosed areas rather than directly to a public way.** When accounting for the front entrance and the only code-compliant double-door exit, the building contained six doors designated as exits and seven total exterior-facing doors intended to serve as exit routes. The City has never clearly explained which specific five doors it considered legitimate “exits” in its public statements. The occupancy figure of 320 was initially provided to the media by City officials, despite the City later claiming it possessed no records documenting that number. Not 300. It is a documented fact that PULSE was over its legal capacity on June 12, 2016.

In Chapter 1, we referenced a Q&A document created by Heather Fagan and Kyle Shephard and then given to the City Council to help them field questions from reporters. By doing this, **the Office of the Mayor used the power of its office to deceive the public**. It made a deliberate move to control the official narrative of PULSE's failures using disinformation.[507] Emails between Shephard (then Chief Assistant City Attorney) and Fagan (then Deputy Chief of Staff in the Office of the Mayor) show the depth of their efforts to put forth a false narrative and mislead the public by using carefully crafted language that ignored the documented facts in the City's possession, including police body cam footage and photographic evidence of blocked exits, unpermitted renovations, and code violations.

The Office of the Mayor and City employees are being paid by the public, yet they used their office to defraud and deceive the public. And they are continuing to do so even 10 years later.

It is important to understand that, from the beginning, the Office of the Mayor began a strategic campaign to deny the documented facts and the accounts of survivors that were being televised in the days and weeks after the shooting.[508] After speaking to survivors and reviewing the limited and disjointed records released by the City, it was local journalists who first caught wind of the possibility of issues of code violations at PULSE that hindered escape and rescue.

One such journalist was Elyssa Cherney with the *Orlando Sentinel*. She asked the City of Orlando's Public Information Officer (PIO) Ashley Papagni for the report referenced by Fire Marshal Tammy Hughes in a text message that stated, **"TJ will have to answer some tough questions why he did not for NFPA codes and allow this person to violate them."**[509]

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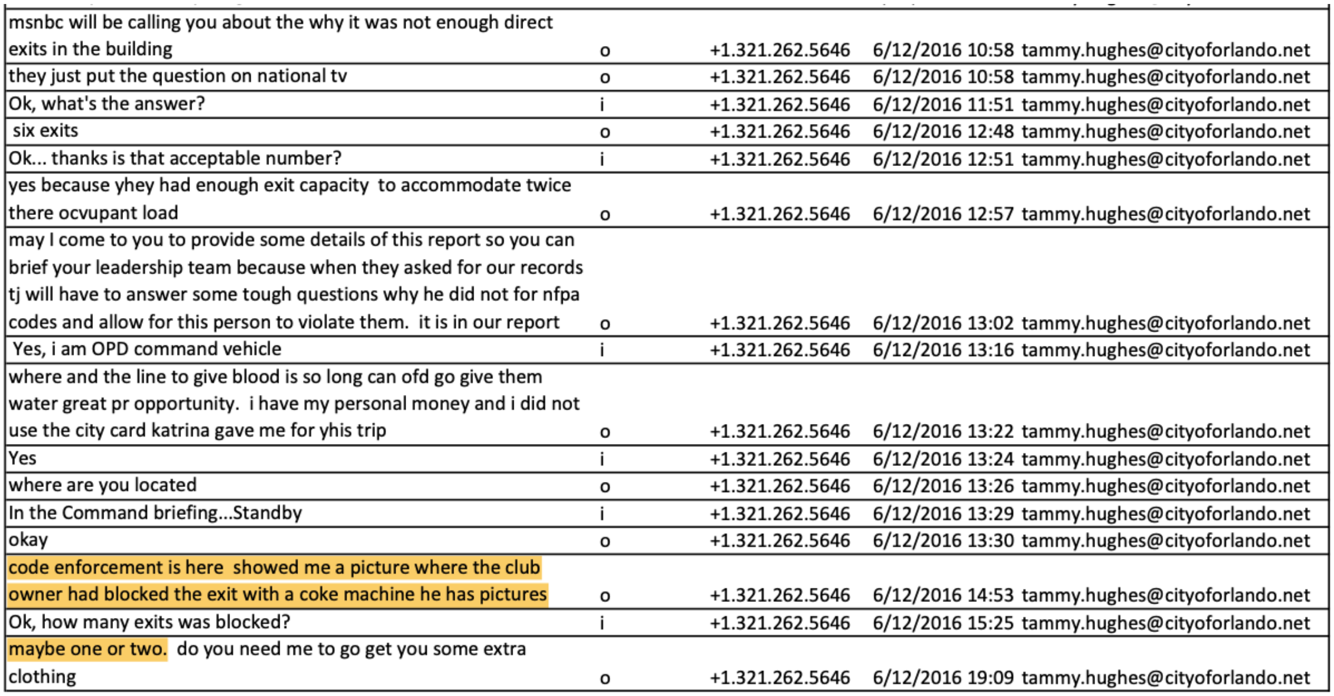
[507] See Appendix L.

[508] "9 Investigates whether Pulse was over capacity night of shooting," *WFTV*, July 1, 2016. https://www.wftv.com/news/pulse-shooting/9-investigates-whether-pulse-was-over-capacity-night-of-shooting/372746661/; "9 Investigates discrepancy in early report of Pulse inspection," WFTV, July 1, 2016, https://www.wftv.com/news/pulse-shooting/9-investigates-discrepancy-in-early-report-of-pulse-inspection/372799884/; "Newly Released Call Logs Reveal Chaos Inside Pulse Nightclub," Eyder Peralta, *NPR*, June 28, 2016, https://www.npr.org/sections/thetwo-way/2016/06/28/483862895/newly-released-call-logs-reveal-chaos-inside-of-pulse-night-club.

[509] TJ refers to Timothy Johnson, who was the Division Manager of the City of Orlando's Permitting Services Division. Since the shooting and despite these issues at PULSE, he has since been promoted to Deputy Director of the Economic Development Department. We believe he should have been fired. See, *R. Willliams Texts 2016-06-11 to 2016-06-13*. City of Orlando.



msnbc will be calling you about the why it was not enough direct exits in the building	o	+1.321.262.5646	6/12/2016 10:58	tammy.hughes@cityoforlando.net
they just put the question on national tv	o	+1.321.262.5646	6/12/2016 10:58	tammy.hughes@cityoforlando.net
Ok, what's the answer?	i	+1.321.262.5646	6/12/2016 11:51	tammy.hughes@cityoforlando.net
six exits	o	+1.321.262.5646	6/12/2016 12:48	tammy.hughes@cityoforlando.net
Ok... thanks is that acceptable number?	i	+1.321.262.5646	6/12/2016 12:51	tammy.hughes@cityoforlando.net
yes because yhey had enough exit capacity to accommodate twice there ocvupant load	o	+1.321.262.5646	6/12/2016 12:57	tammy.hughes@cityoforlando.net
may I come to you to provide some details of this report so you can brief your leadership team because when they asked for our records tj will have to answer some tough questions why he did not for nfpa codes and allow for this person to violate them. it is in our report	o	+1.321.262.5646	6/12/2016 13:02	tammy.hughes@cityoforlando.net
Yes, i am OPD command vehicle	i	+1.321.262.5646	6/12/2016 13:16	tammy.hughes@cityoforlando.net
where and the line to give blood is so long can ofd go give them water great pr opportunity. i have my personal money and i did not use the city card katrina gave me for yhis trip	o	+1.321.262.5646	6/12/2016 13:22	tammy.hughes@cityoforlando.net
Yes	i	+1.321.262.5646	6/12/2016 13:24	tammy.hughes@cityoforlando.net
where are you located	o	+1.321.262.5646	6/12/2016 13:26	tammy.hughes@cityoforlando.net
In the Command briefing...Standby	i	+1.321.262.5646	6/12/2016 13:29	tammy.hughes@cityoforlando.net
okay	o	+1.321.262.5646	6/12/2016 13:30	tammy.hughes@cityoforlando.net
code enforcement is here showed me a picture where the club owner had blocked the exit with a coke machine he has pictures	o	+1.321.262.5646	6/12/2016 14:53	tammy.hughes@cityoforlando.net
Ok, how many exits was blocked?	i	+1.321.262.5646	6/12/2016 15:25	tammy.hughes@cityoforlando.net
maybe one or two. do you need me to go get you some extra clothing	o	+1.321.262.5646	6/12/2016 19:09	tammy.hughes@cityoforlando.net

Text messages from Fire Marshal Tammy Hughes on June 12, 2016: These texts document a number of issues, including violation of life safety (NFPA) codes, reference to a report pertaining to those violations that the City claimed does not exist, photograph of a blocked exit, and a suggestion that there were "one or two" exits blocked. Records later confirmed two egress routes were blocked by Coke-branded beverage refrigerators, and four designated exits were not exits at all, as they led to areas enclosed by the unpermitted fence.

Papagni forwarded Cherney's request to Heather Fagan and Cassandra Lasfer and subsequent replies show this report was never provided to the reporter.[510] We asked for this phantom report that Hughes referred to in her email and that the City failed to give to Cherney, but the City said there were No Responsive Records.[511] Since, the City has continued to claim it has no evidence of NFPA violations, despite documentation of multiple. **If no report exists as the City claimed after being confronted by reporters, what "report" was Fire Marshall Tammy Hughes referring to in this text?**

The City never abandoned its strategy to lie and deny.

Reporting and City records obtained through public records requests show that in 2023, when the *New York Times* began investigating, the City and the Club owners told Robles that the club was in compliance with building code requirements and that it is wrong to suggest that such problems led to more deaths. The City's press secretary, Cassandra Bell, insisted that while the records show "inconsistencies," the club was safe and in full compliance with regulations. She acknowledged that the City "does not have records that indicate whether a permit was received or not" for the fence.[512]

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[510] Email, June 28, 2016, 11:14 AM, Subject: Fwd: Report request, City of Orlando. Also, see Request 21-7086.

[511] Request 23-13542.

[512] "Pulse Massacre Victims File Police Complaints Saying Exits Were Blocked," Frances Robles, *New York Times*, August 6, 2023, https://www.nytimes.com/2023/08/06/us/pulse-shooting-building-complaints.html.

By refusing to simply state that the fence was not permitted, the City then gave the Poma's personal spokeswoman an opening to flat out lie to the *New York Times as well*. They claimed that the owners had a permit for the fence and obtained it sometime after the fence was put up. However, there is no record of this, and the Pomas could not provide proof of such a permit.[513] This is because no permit exists.

This was another unsuccessful attempt to quash the reporting, but this time the reporting was occurring at a national level and was supported by years of accumulated evidence substantiating the underlying factual allegations. For perhaps the first time since the shooting, PR agent Sara Brady, the Poma family, and City officials were far less capable of shaping or containing the public narrative because the investigation was being conducted by a major national news outlet operating outside the City's longstanding sphere of local influence.

It is important to document that no corrections were ever made to the Orlando Sentinel's 2016 reporting regarding PULSE's unpermitted fence, which also referenced the existence of other unnamed unpermitted renovations. This is precisely why we have publicly cited that reporting for years. If the fence had in fact been permitted, the Pomas or the City could have easily sought a correction at any point during the past decade by providing the *Orlando Sentinel* with the relevant permit documentation—particularly while facing civil litigation involving premises liability and allegations tied directly to the nightclub's physical conditions. Instead, no such documentation has ever surfaced publicly.

It was therefore particularly striking when the Pomas, years later and through their hired spokeswoman (Brady), told the *New York Times* that a permit existed despite the absence of any documentary evidence substantiating that claim. The fact that the PULSE's fence was unpermitted has been publicly documented and uncontested for nearly a decade.

All of these statements represent a coordinated effort to mislead the public. The City's records reveal more than just "inconsistencies"; they expose a pattern of corruption, cover-up, failures, illegal renovations, and code violations that can be easily checked against the building, zoning, and life safety codes.

Moreover, if any permit had been issued or applied for, the City would have a record of it. Why couldn't the City simply confirm, as the *Orlando Sentinel* reported in 2016, that the fence was unpermitted? Why did Bell resort to wordplay and obfuscation? If these issues are just mere inconsistencies, why hasn't the City tried to clear these up over all these years? Why did the City never conduct a thorough building inspection?

Furthermore, by claiming "inconsistencies" across the City's own records, the Office of the Mayor is discrediting their own documentation systems, as well as the reliability of its own enforcement records and broader regulatory oversight. In doing so, the City is publicly acknowledging a pattern of administrative mistakes, failures, and deficient recordkeeping and regulatory mismanagement surrounding PULSE. There should be zero inconsistencies when it comes to properly documenting the material conditions of the nightclub and the City's post-shooting public statements.

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[513] "Pulse Massacre Victims File Police Complaints Saying Exits Were Blocked," Frances Robles, *New York Times*, August 6, 2023, https://www.nytimes.com/2023/08/06/us/pulse-shooting-building-complaints.html.

It is also hypocritical to claim the City's records are "inconsistent," but then turn around and use these supposedly erroneous records to defend the City and the PULSE owners. In fact, it's illogical.

This public relations strategy represents a calculated misuse of the City's records. City employees, including OPD investigators, have yet to critically sift through the lies, mistakes, and omissions to separate fact from fiction and accurately determine the conditions of the nightclub and police failure. It is also important to emphasize that we are not relying upon the City's records alone. We have hundreds of eyewitnesses and first-hand accounts through survivors, who have served as the key component of our analysis and collaborative investigation.

The City's efforts to obscure, minimize, and publicly deny its regulatory and operational failures did not end there. Cassandra Bell did more to mislead after dismissing our fact-based allegations as mere "inconsistencies" in the City's records.

She also repeated the City's false claims, stating, "*These records demonstrate that the Pulse facility was safe, that it met occupancy, fire and related requirements. We found no pattern of critical life-safety violations.*" As we showed in great detail in Chapter 2 and on our current website, that is not, in fact, what the City records show.

Bell also said it was a mischaracterization of the City's records to suggest that the club had been in violation of its conditional use permit by operating a dance club and that the facility had passed a fire exit review just weeks before the shooting. However, the City's records show that the club was operating as a nightclub in violation of its conditional use permit, which specified that PULSE was restricted to operating as a restaurant with a martini bar and outlined multiple operating requirements to prevent it from becoming an entertainment venue. Her statement was also proven false by the OPD investigation which stated clearly that PULSE did not have a permit to operate as a night club.

The most recent fire exit review also noted that a door was inoperable, although after the shooting, the City claimed this was a reporting mistake. It was not a mistake. It was a fact. We now know through our investigation that doors were inoperable and that multiple designated exits lacked the required emergency hardware.

Unlike the State Attorney's Office, [514] the OPD made no statement or disclaimer documenting the limits of its investigation. Thus, the public assumed that the OPD investigation was complete and investigated all issues families and survivors submitted complaints about. Their investigation lacked thoroughness and was clearly not the fact-finding mission justice requires. OPD did not even inspect the PULSE building before the City demolished it, despite code violations and unpermitted renovations still present and clearly visible at the time.

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[514] The State Attorney's Office responsibly noted at the onset of their presentation, "concerns about the officers' timing" and failure to follow Active Shooter Protocol within the first critical minutes of the active shooting situation "did not fall under the scope of the state attorney's review, which was focused on the shots fired by officers and whether those shots were

Despite its narrow scope and evident deficiencies, even the OPD's so-called "investigation" ultimately corroborated several of the central facts we had already documented in our own investigative reports. For example, the OPD's 2024 report confirms that that after City officials gave PULSE the option to make the necessary changes to comply with its original CUP or to apply for a new CUP classifying the venue as a nightclub, "Pulse took no action with this request from the City of Orlando and moved ahead with the intention of operating Pulse as a nightclub."[515]

OPD further stated, "When the City of Orlando was made aware of the interior and exterior [unpermitted] changes to Pulse in 2010, it does not appear any action was taken by the City of Orlando in addressing these changes."[516] Investigators failed to provide any explanation as to why this was allowed to happen, specifically at PULSE and with owners Barbara and Rosario Poma—not just once, but twice.[517]

Like Heather Fagan, Cassandra Bell continued to repeat the same fundamentally nonsensical defense long advanced by City officials and loyal defenders of the Pomas, invoking unrelated investigations as a rhetorical shield against fact-based allegations concerning PULSE's code violations and unpermitted renovations.

She stated, "After thorough investigations by law enforcement (including the F.B.I.), and a detailed after-action investigation and report, we do not believe any life/safety issues prevented anyone from getting out of the building, or rescuers from getting in."[518] Again, none of these investigations addressed these specific concerns. Their scope was limited, and neither PULSE's code violations nor unpermitted renovations and their impact on escape or rescue were examined as part of those investigations.

The City used this strategy again in 2023 when faced directly with our fact-based allegations, stating:

> *The City of Orlando cooperated with the FBI's investigation of the Pulse tragedy and provided*

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justified." The State Attorney's Office never investigated the OPD's actions in the first 10 minutes of the shooting. See: "No Civilians Were Hit by Police Gunfire at Pulse Nightclub Shooting, Authorities Say," Jacey Fortin, *New York Times*, February 19, 2019, https://www.nytimes.com/2019/02/13/us/pulse-nightclub-orlando-officer-gunfire.html.

[515] Appendix A. Conclusion. City of Orlando.

[516] Ibid.

[517] "Temporary Use permit for interim Pulse memorial expires," Adam Poulisse, *WFTV*, July 21, 2023. https://www.wftv.com/news/local/temporary-use-permit-interim-pulse-memorial-expires/Y5KVKRX6CRH57E4XPW5ERATDTU/.

[518] "Pulse Massacre Victims File Police Complaints Saying Exits Were Blocked," Frances Robles, *New York Times*, August 6, 2023, https://www.nytimes.com/2023/08/06/us/pulse-shooting-building-complaints.html.

> *full transparency by the release of all public records online. The city continues to support the victims, survivors, their families and all those impacted by the Pulse tragedy in a variety of ways and continues to work to create a sanctuary of hope here in our community.*[519]

Again, rather than directly addressing the underlying issues, the City resorted to the irrelevant talking point that it had cooperated with the FBI. Cooperation with a federal investigation into the shooter and terrorism-related matters does not resolve or rebut the separate allegations concerning code violations, permitting failures, regulatory oversight, or the City's own conduct.

The City also falsely implied that it had provided full transparency and released all relevant public records online. If that were true, there would have been no need for more than 400 separate public-records requests directed solely to the City of Orlando regarding these issues. This statement is therefore another example of the Office of the Mayor employing omission and carefully selective framing to create a misleading impression of transparency and accountability.

Cassandra Bell also made similar attempts to protect the City and the Pomas, stating to both the *New York Times* and *WESH 2*, "Even if work was completed without a permit, that doesn't mean that work was done improperly or that it created a safety issue."[520] This statement is not only meaningless, it also is an attempt to gaslight the public, especially in face of photographic evidence, witness accounts, and prior reporting that show the unpermitted work was done improperly and created a life safety issue.

Again, the lack of a permit for the fence (which, according to numerous survivors, hindered their escape) had already been confirmed, by the City, and reported in the *Orlando Sentinel.* The issues pertaining to the fence were that it was unpermitted *and* that it violated multiple code requirements related to height, placement, and required transparency.[521]

If the modifications had in fact complied with applicable codes—as the documentary record strongly suggests they did not—there would have been little reason for the Pomas to avoid obtaining permits during the six years following completion of the work, particularly after the City specifically instructed them to do so in 2010.[522] This is especially true given the Pomas' public claims of financial success and substantial personal resources, which undermine any suggestion that permitting costs themselves were a meaningful obstacle. The more plausible inference is that the owners understood that both the modifications and the nightclub-style operation of PULSE conflicted with the City's regulatory requirements and Conditional Use Permit restrictions.

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[519] "Orlando Mayor Buddy Dyer Refuses to Resign from onePULSE Foundation," *West Orlando News*, October 3, 2023, https://westorlandonews.com/orlando-mayor-buddy-dyer-refuses-to-resign-from-onepulse-foundation/.

[520] Robles, 2023, https://www.nytimes.com/2023/08/06/us/pulse-shooting-building-complaints.html; and Imperato, 2024, https://www.wesh.com/article/code-violations-life-after-pulse/61086854.

[521] See, "Fence at Pulse wasn't permitted, but city never issued citation" Christal Hayes and Caitlin Doornbos, *Orlando Sentinel*, July 31, 2016. https://www.orlandosentinel.com/2016/07/30/pulse-fence-was-not-permitted-but-city-never-issued-citation/.

[522] Ibid.

What's particularly disturbing is that the City began crafting this spin in 2016 to shield themselves of culpability, even as City attorneys Mayanne Downs and Kyle Shephard (and others) documented these issues at PULSE behind closed doors in preparation for "imminent civil or criminal litigation."[523] See Appendix M.

The spin even changed from the City placing blame on the Pomas to claiming there was no evidence at all of code violations or life safety issues at PULSE. The City's later blanket denial is a different position than "I really don't have the answer as to what happened and why it was never done," which is what Fagan told reporters in 2016 as to why the Pomas never obtained the necessary building permits.[524] **The City moved from a position where they claimed ignorance and a lack of records to a standpoint of complete denial.[525]**

So, in addition to releasing false and misleading statements to the media for the past decade and crafting documents to mislead the public and protect both the City and the Pomas, the City also did not release all of the documentation that they could have, including all of the photos that the OPD took of the interior of PULSE after the shooting and evidence that the City did not have a written Active Shooter policy.

We learned in 2025, that these photographs could have been partially redacted and released to the public instead of completely hidden from public view.[526] **These photos also document issues at the nightclub beyond the shooting, like wires tacked across interior walls, broken ceiling tiles, and the first-ever photos taken by the City of PULSE's unpermitted second-floor spaces only accessible by a ladder on a wall.** Had the City ever conducted a thorough building inspection; these violations would have all been flagged and documented in writing. Furthermore, we learned in 2026 that the City did not have an Active Shooter policy in place at the time of the shooting—a huge leadership failure.

In 2017, when the Police Foundation published its report largely clearing the OPD of wrongdoing, Mina appeared to preemptively minimize the importance of operational deficiencies and policy failures that had not yet been fully revealed to the public. He stated, "There is no policy or piece of papers that would have saved lives… We adjust training tactics, not only with first responders but for tactical teams, but we are not going to put that on a piece of paper." The absence of a written Active Shooter Policy was not a minor administrative issue; written policies exist to establish clear operational expectations, standardize emergency response, and provide a measurable basis for accountability when officers make life-and-death decisions during mass-casualty events. Mina's remarks take on added significance when his aversion to written policy is viewed alongside the fact that the OPD lacked a formal written Active Shooter Policy throughout his tenure as Chief and did not adopt one until 2023, more than four years after he left the department to become Orange County Sheriff and seven years after the PULSE massacre.

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[523] See *Appendix M*.

[524] Ibid.

[525] See Appendix F.

[526] Request 25-2920. City of Orlando.

The City of Orlando, law enforcement agencies, and the now dissolved onePULSE Foundation have been particularly concerned about "negative" media coverage, which in reality was just the media reporting the facts and navigating through the City's disinformation campaign. This may be why City officials did very little to provide reporters with detailed and accurate information.

For example: When discussing how to respond to *Orlando Sentinel* reporter Christal Hayes, City attorney Kyle Shephard told Heather Fagan that it was impossible to determine when Code Enforcement photographed PULSE's fence, yet on record, there is a handwritten date of July 14, 2010. This date aligns with other documented conversations the City had with Rosario Poma and PULSE employees, occurring concurrently with Code Enforcement's documentation of the unpermitted work.

The City also documented one thing but then claimed the opposite was true when questioned by the media. For example, in an email from Fire Marshal Tammy Hughes to disgraced OFD Chief Roderick Williams who resigned in 2019 after sexual harassment allegations stated,[527] "[the] last company officer exit check was conducted on 5/21/16 which did indicate that a door was inoperable. It is not clear which door it was." [528]

Years after this document was created and after it had been released to the public, Deputy Fire Chief Gerald Lane said the inspection report was inaccurate and that the person completing the report checked the wrong box. Lane claimed that the "doors are inoperable" comment made by fire engineer Manuel Cintron was also wrong. He then stated, "The building was compliant with national standards, and we had no reason to believe there were any problems with the exits."[529]

However, the City's own photographic evidence tells a different story.[530] The building was not compliant, one door that could have been used as an exit to the outside was blocked, and egress was obstructed by a variety of items and structures. The publicly claimed errors were made when doing so protected the City.[531] but refused to consider when photographic evidence the City took contradicted the written records their inspectors produced.

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[527] "Orlando Fire Chief Roderick Williams Resigns After Sexual Harassment Allegations," Abe Aboraya, Central Florida Public Media, February 22, 2019, https://www.cfpublic.org/2019-02-22/orlando-fire-chief-roderick-williams-resigns-after-sexual-harassment-allegations.

[528] "Fire department disputes official reports of exit door blockage at Pulse," *Orlando Sentinel*, June 10, 2018. https://www.orlandosentinel.com/2016/06/29/fire-department-disputes-official-reports-of-exit-door-blockage-at-pulse/

[529] Ibid.

[530] **City photos show trash cans blocking egress in the north "alleyway" where two exit doors led and over 20 people were trapped and the beaded curtains which are a clear violation of the national standard**s; WESH 2 News' investigation uncovered through survivor interviews that a beverage cooler blocked a door leading to the patio from the storage room behind the main bar where multiple wounded victims were trapped unable to move the heavy appliance (one died at the hospital); and the *Orlando Sentinel* reported the illegal fence had latched and locked gates and had to be jumped over, forced open, and "drop-kicked" in order for people to escape to safety. These are all documented in *They Knew* and elsewhere in this report.

The statements made by City officials over the years have been misleading, false, and contradict all available evidence – including evidence the OPD declined to gather from its own municipality in its investigation, resorting instead to using only the documents compiled in our own 2020 report. The only constant throughout this process has been the Office of the Mayor's persistent effort to deny, minimize, and suppress documented facts, thereby obstructing meaningful accountability and undermining the ability of victims and survivors to obtain due process after this horrific tragedy. **The deliberate concealment, withholding, and strategic manipulation of material evidence and public records is precisely the type of conduct commonly associated with institutional obstruction of justice.**

Silencing City Employees to Conceal Facts

In August of 2019 following his phone conversations with Commissioner Patty Sheehan who told him and others that illegal renovations hindered escape the night of the shooting, Dr. Zachary Blair contacted the Permitting Division as a first step to getting information about PULSE's unpermitted renovations. He connected with **Rosemary Culhane**, a Permit Technician II in the City's Permitting Division. Culhane worked diligently with Dr. Blair to provide him with all of the information he asked for and to answer all the questions he had. The interactions reflected exactly how a municipal government should engage with the public: transparently, professionally, and in good faith.

Through email and phone conversations, she researched the information documented in Permitting Division's database (Tidemark) that is not accessible to the public and sent him documents free of charge. She then followed up with phone calls to confirm that the nightclub had zero permits for any major renovations. They only had one "repair and replace" permit on file, she told Dr. Blair.

When Dr. Zachary Blair called the Permitting Division a few weeks later to follow up with the information provided to him by Culhane, he was rushed off the phone by another employee and was told that the Permitting Division was not allowed to provide information about the PULSE nightclub to members of the public.

Before rushing him off the phone, the City employee who answered the phone quickly said that all requests for information regarding PULSE had to go through Public Records, City Attorney Mayanne Downs, and the City's Public Information Officer (PIO). She refused to discuss the issue any further and hung up the phone on him. This management directive, together with the 2022 email sent to City employees by Mayanne Downs telling them to "feel free to delete what [Dr. Blair] sends," effectively severed direct communications between Dr. Blair and City departments outside of the

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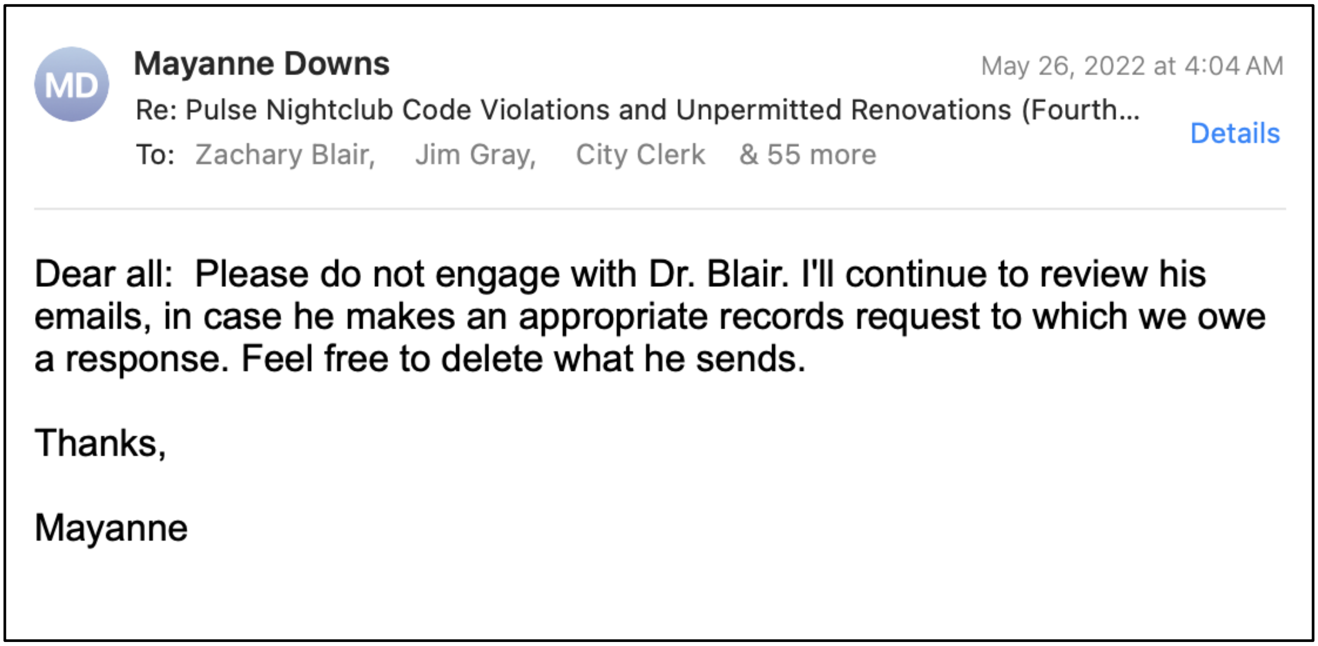
[531] "City of Orlando now says calling door at Pulse 'inoperable' was a mistake," *WFTV*, July 1, 2016, https://www.wftv.com/news/pulse-shooting/city-of-orlando-now-says-calling-door-at-pulse-inoperable-was-a-mistake/369913144/

Records Department, centralizing and restricting the flow of information related to PULSE.



MD **Mayanne Downs** May 26, 2022 at 4:04 AM

Re: Pulse Nightclub Code Violations and Unpermitted Renovations (Fourth...

To: Zachary Blair, Jim Gray, City Clerk & 55 more

Dear all: Please do not engage with Dr. Blair. I'll continue to review his emails, in case he makes an appropriate records request to which we owe a response. Feel free to delete what he sends.

Thanks,

Mayanne

Email from Mayanne Downs to Dr. Zachary Blair: Sent on May 26, 2022, in response to his effort to get answers from the City regarding PULSE's code violations.

The City Attorney's authorization for City employees to delete communications related to ongoing public-records inquiries is extraordinarily alarming, raising serious questions regarding compliance with Florida public-records law, evidence preservation obligations, and the deliberate suppression of information related to PULSE.

In 2021, reporting by the *Orlando Sentinel* stated, "He [Dr. Zachary Blair] has amassed hundreds of documents, including emails and code-enforcement documents, that he claims show Pulse was never property licensed to be a nightclub, which the City refutes."

This was the first time the City ever attempted to publicly conceal the facts documented in its own records, included lying that nightclubs were classified as "eating and drinking establishments" when the City's own records show they were classified as "indoor recreation." [532]

In response to this reporting, a mass shooting survivor who has helped behind-the-scenes, emailed the City's Zoning Department to confirm whether nightclubs and restaurants fall under the same category in City zoning codes.

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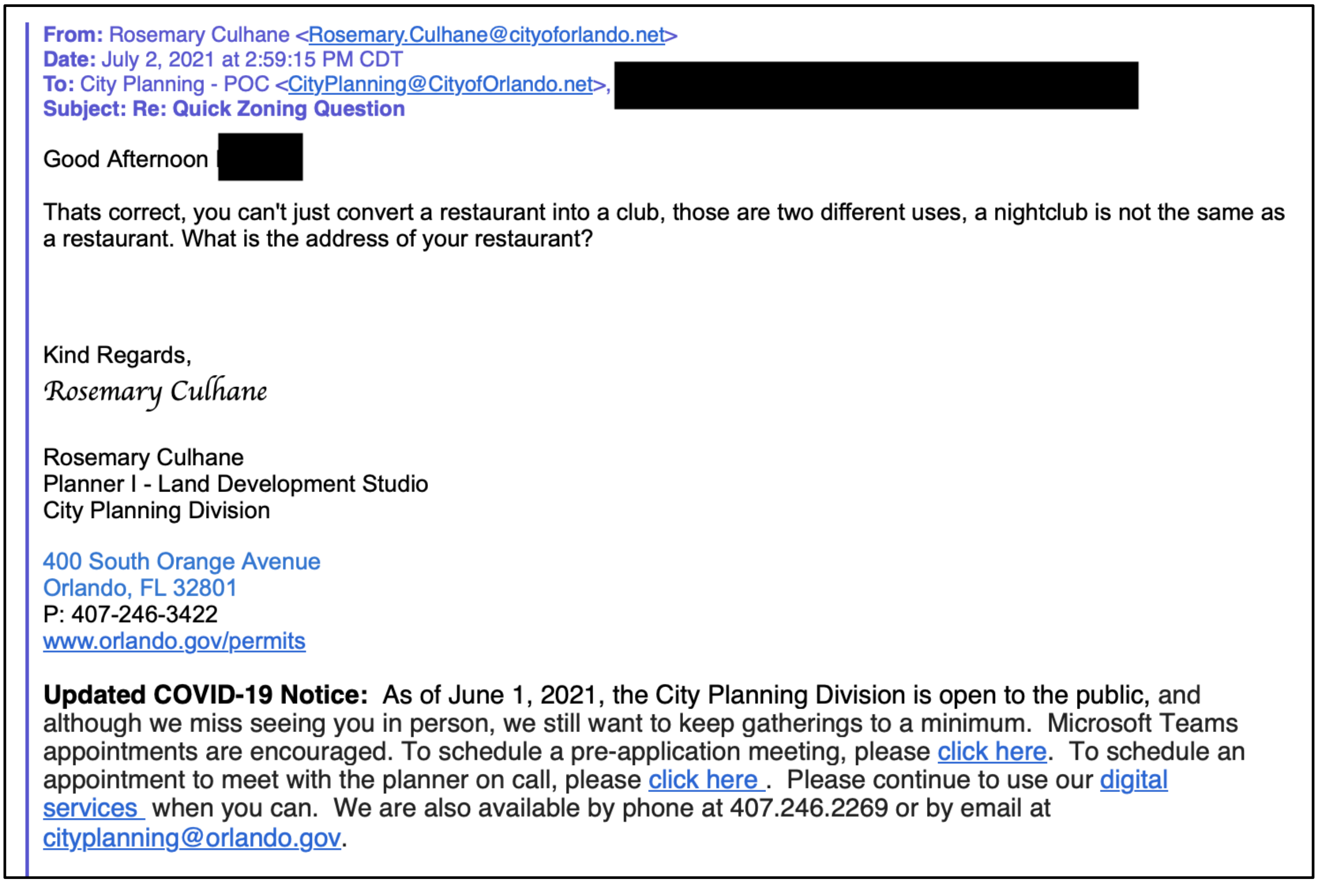
[532] The City of Orlando provided Dave Harris and Kate Santich, reporters for the *Orlando Sentinel*, with a carefully crafted statement that created the impression that the alleged code violation had been disproven. In response, they inaccurately reported that the City refuted the CUP violation. See Request 21-6209 and "Despite setbacks and critics, Pulse foundation pushes forward on memorial and museum," *Orlando Sentinel*, June 10, 2021. https://www.orlandosentinel.com/2021/06/10/despite-setbacks-and-critics-pulse-foundation-pushes-forward-on-memorial-and-museum/

Rosemary Culhane, who was transferred from the Permitting Division to the Planning Division, responded to the email inquiry and disclosed factual, accurate, and straightforward information.



From: Rosemary Culhane <Rosemary.Culhane@cityoforlando.net>
Date: July 2, 2021 at 2:59:15 PM CDT
To: City Planning - POC <CityPlanning@CityofOrlando.net>, [redacted]
Subject: Re: Quick Zoning Question

Good Afternoon [redacted]

Thats correct, you can't just convert a restaurant into a club, those are two different uses, a nightclub is not the same as a restaurant. What is the address of your restaurant?

Kind Regards,
Rosemary Culhane

Rosemary Culhane
Planner I - Land Development Studio
City Planning Division

400 South Orange Avenue
Orlando, FL 32801
P: 407-246-3422
www.orlando.gov/permits

Updated COVID-19 Notice: As of June 1, 2021, the City Planning Division is open to the public, and although we miss seeing you in person, we still want to keep gatherings to a minimum. Microsoft Teams appointments are encouraged. To schedule a pre-application meeting, please click here. To schedule an appointment to meet with the planner on call, please click here . Please continue to use our digital services when you can. We are also available by phone at 407.246.2269 or by email at cityplanning@orlando.gov.

Email sent from Rosemary Culhane on July 2, 2021: Showing that the City of Orlando did not classify nightclubs and restaurants as the same use. This supports what is documented in City codes and records dating back to 2004 and contradicts the Office of the Mayor's post-shooting public statements and denials. Culhane transferred to the City Planning Division and was working as a Planner I.

Culhane's straightforward answer contradicted the unverifiable claim made by the Office of the Mayor that the City "does not have a designation in our code for nightclubs. They are classified as "eating and drinking" establishments"[533] and confirmed that PULSE was operating illegally as a nightclub. This is unambiguously documented across the City's records, but most clearly in the letter penned by Orlando Planning Director Dean Grandin.

Before PULSE opened, Grandin sent a letter to Rosario Poma in 2004. This letter overtly and unmistakably informed Poma that nightclubs are classified as "Indoor Recreation" and not "Eating and Drinking" establishments. The contradiction between the documented fact and Lasfer's statement is deeply significant because it demonstrates that **the Office of the Mayor publicly advanced a narrative**

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[533] Email sent from Cassandra A. Lasfer to Samantha Holsten, June 18, 2021, at 1:54 PM, Subject: For Kate. City of Orlando.

directly at odds with the City's own documented planning records and City codes, further evidencing a broader pattern of narrative management surrounding PULSE and its regulatory status.

The City of Orlando knew this strategy of Deny, Defend, Deflect and Omit was proven to be effective because this is exactly what the City and other local law enforcement agencies did after the shooting as part of their coordinated communication strategy.

The *Orlando Sentinel* documented how the Orange County Sheriff's Office released statements to satisfy growing public concern regarding the prolonged police response, "but none of the reports came from the 21 deputies who worked with OPDs SWAT teams inside, where most of the shooting happened."[534]

By controlling which information was released, who was permitted to speak publicly, and which facts remained concealed, officials were able to shape public perception of the response long before the underlying records, witness accounts, and documentary evidence became available for meaningful scrutiny.

Another strategy City leaders took was to silence City employees and keep a tight grip on who had access to information regarding PULSE, who spoke to the media, and ensuring that they were given strict talking points and public statements. First responders even publicly claimed they were instructed not to give details about the shooting response to the media. An email from Evan Self also shows that he was told by the Belle Isle Police Department that he needed to get clearance by the Orlando Police Department to interview Officer Brandon Cornwell.[535]

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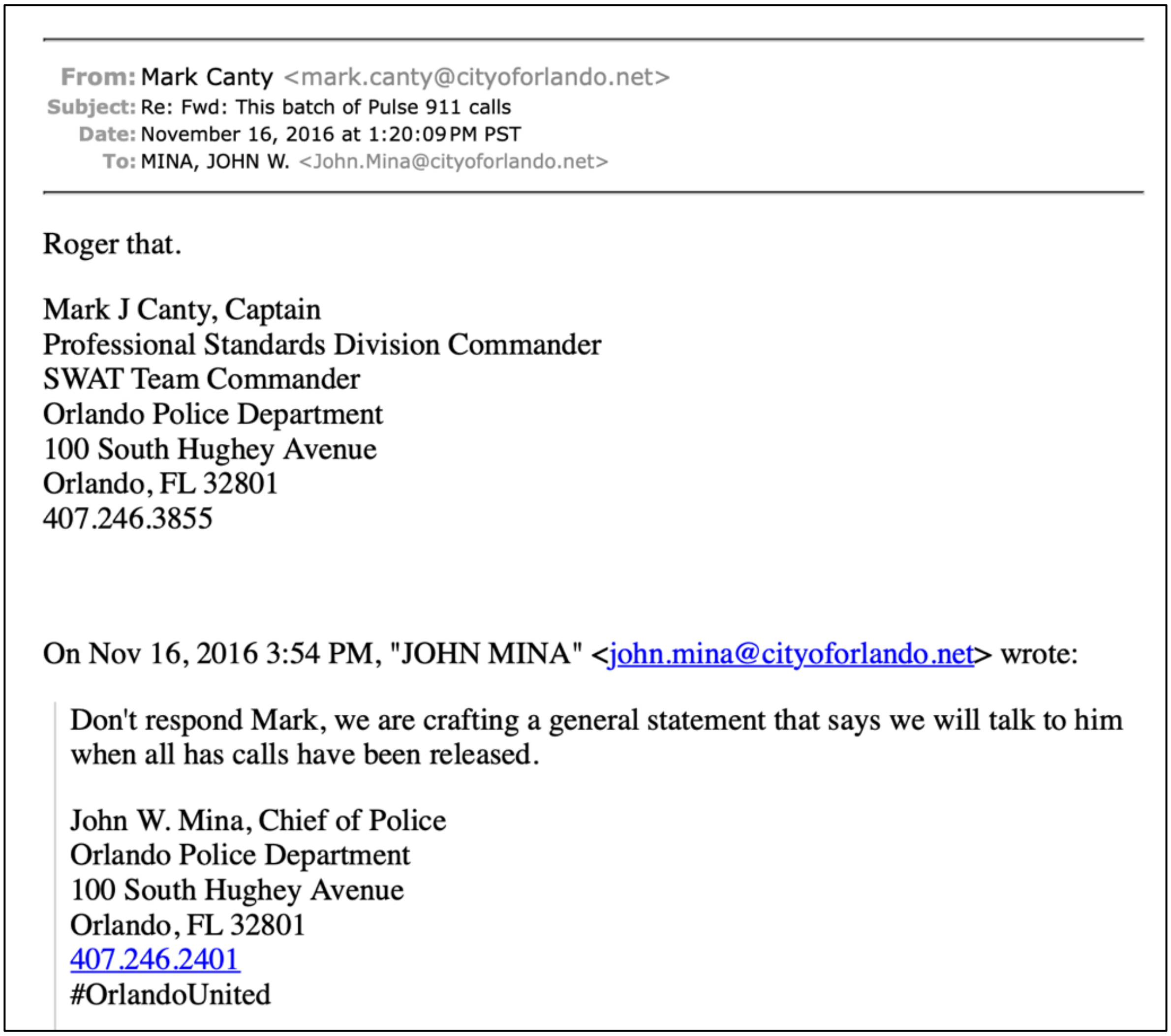
[534] "Witnesses: Pulse shooter roamed club throughout the ordeal," Christal Hayes, David Harris, and Elyssa Cherney, Orlando Sentinel, August 23, 2016, https://www.orlandosentinel.com/2016/06/25/witnesses-pulse-shooter-roamed-club-throughout-ordeal/.

[535] Email, Subject: Re: Interview Requests - re: Pulse Nightclub - Real Story w/ Maria Elena Salinas, City of Orlando, December 1, 2016, at 4:27 PM.



From: Mark Canty <mark.canty@cityoforlando.net>
Subject: Re: Fwd: This batch of Pulse 911 calls
Date: November 16, 2016 at 1:20:09 PM PST
To: MINA, JOHN W. <John.Mina@cityoforlando.net>

Roger that.

Mark J Canty, Captain
Professional Standards Division Commander
SWAT Team Commander
Orlando Police Department
100 South Hughey Avenue
Orlando, FL 32801
407.246.3855

On Nov 16, 2016 3:54 PM, "JOHN MINA" <john.mina@cityoforlando.net> wrote:

> Don't respond Mark, we are crafting a general statement that says we will talk to him when all has calls have been released.
>
> John W. Mina, Chief of Police
> Orlando Police Department
> 100 South Hughey Avenue
> Orlando, FL 32801
> 407.246.2401
> #OrlandoUnited

Email between John Mina and Mark Canty: Mina tells Canty not to respond to questions about the delayed police response posed by *Orlando Sentinel* reporter David Harris, which included questions like: “At 4:12 a.m., a caller says he is texting with someone who says the shooter is “getting ready to shoot.” Why wasn’t this enough of a threat to go in?” and “Why didn’t you send officers in to the bathroom where Mateen wasn’t?”

This was evident soon after the shooting in an email sent by City Attorney Mayanne Downs, who wanted to limit who was involved in conversations within the City surrounding PULSE’s code violations and unpermitted renovations. On June 21, 2016, just days after the shooting and while Assistant City Attorney Kyle Shepherd was working on researching the nightclub’s code enforcement issues and crafting the permitting timeline, Downs sent an email to him asking: “Kyle why is someone other than our small group working on this. Help.” Victoria Walker, Assistant City Attorney, was CCed on the email.[536] Shephard responded to Downs, telling her, “Because Mike went to Vicky. I’ll handle.” ***Downs responded, “JFC [Jesus Fucking Christ].”***[537]

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[536] Request 21-6205. City of Orlando. Email, Mayanne Downs to Victoria Walker, CC: Kyle Shephard, June 21, 2016, 9:56 PM PDT, Subject: Re: Pulse Nightclub – code enforcement. Also, we noticed misspellings in emails, such as this one, which would have made keyword searches ineffective when requesting records.

[537] Emails, Kyle Shephard and Mayanne Downs, June 21, 2016. City of Orlando.

Earlier that morning, Walker sent an email to Kyle with nothing but the subject line, “Call me please.” Around the same time, Walker also sent an email about code enforcement at PULSE that said, “Keeping you in the loop...was told that all communication concerning the property was to go through Mayanne and Kyle.”[538]

It is also important to note that emails to Mayanne Downs went to her private Gray Robinson email account and not her public City-owned email account, despite conducting critical public business. This is yet another barrier to getting access to information that should be part of the public record. This has been further complicated by the fact that in 2025, Downs left the GrayRobinson law firm to start her own firm (DownsAaron) that now is contracted by the City. We have no way of knowing if all documents and emails pertaining to official City business while Downs was employed with Gray Robinson have been properly archived prior to this transition or what else is hidden in the City Attorney’s private emails?

Numerous emails also show that City officials working in the Office of the Mayor did not want other City employees responding directly to reporters. Instead, they wanted all questions to be filtered through the City’s Public Information Officers. In the aftermath of PULSE, journalist Noah Pranksy stated that **those practices violated the law.** On Jun 13, 2016, he stated, “It’s my understanding you have the record he requested - the most recent fire inspection for the Pulse nightclub. But you are under orders not to release it. Unless you have a specific exemption to FSS 119.07, the state’s public record law, that you can cite, **it is illegal to withhold the document or mandate a middleman/filter for us to get it**.” When Lasfer responded saying the City was gathering the records, Pransky followed up and asked, “Does the city have a policy of mandating all records (from the fire dept, police dept, etc.). pass through your office or a main records filter?” Lasfer did not answer his question.[539]

Around the same time, Interim Assistant Division Manager of Code Enforcement, Kory Keith, directed the Pomas’ lawyer, Gus Benitez, to speak directly with City Attorney Mayanne Downs over the phone.[540] **As we noted, after the July 30, 2016, story of PULSE’s unpermitted fence, the City took a different and protective stance towards the Pomas.** We are not sure how many phone calls the City had with the Pomas’ lawyer or what Downs could offer their attorney regarding code enforcement issues at PULSE, which she had nothing to do with prior to the shooting. Mayanne Downs saw this email and said, **“Good news – City peeps actually following our requests to keep communications with Rosario limited to his lawyers and our office.”**[541]

At another point during our efforts to obtain records and answers regarding PULSE nightclub’s regulatory non-compliance, a City employee in the Clerk's Office quietly whispered into the phone, **"We know what you are doing. Keep going!"** suggesting that at least some City employees privately recognized the legitimacy and importance of the inquiry.

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[538] Email, Victoria Walker to Jody Litchford, June 21, 2016, 9:36 AM PDF, Subject: FWD: Pulse Nightclub – code enforcement. City of Orlando.

[539] The (undated) policy, Section 141.5, given to us in response to Request No. 26-11389 from the City of Orlando’s Policy and Procedures Manual states, “All staff members receiving a public records request directly from the media shall immediately forward the request to Records Management.”

[540] Email, Kory Keith to Mayanne Downs, Subject: FWD: Attorney, July 28, 2016. City of Orlando.

[541] Email, Mayanne Downs to Kyle Shephard, Subject: Re: Attorney, July 29, 2016. City of Orlando.

There are dozens of examples of the City trying to silence employees, control the false narrative, and limit the kind of information that gets out by controlling who is allowed to speak to the public about issues pertaining to PULSE. Following Commissioner Patty Sheehan's secret disclosure of the code violations at PULSE, an Orlando resident emailed her and asked her directly about these issues. Sheehan responded on September 26, 2020, stating, "As in the past, I have sent any concerns over Code violations to our code enforcement division." These concerns continued to go unaddressed and there is no written record of any kind of response that led to any kind of enforcement or compliance.

In addition to the secret disclosures made by Commissioner Patty Sheehan, which set off this entire grassroots investigation, City Commissioner Shaniqua Rose—prior to being elected—contacted us and told us that the Office of Permitting received a call shortly after the shooting from the Office of the Mayor, telling them to wipe the City's back-up server of pertinent information related to PULSE's permits and violations.

For years, we never named Rose until she betrayed our trust. Just as Sheehan said she would join us after she was re-elected, Rose said she would help us once she got into office. This is why we endorsed her and produced and published videos in support of her campaign. After she failed to do anything, we publicly called her out at the City's 30% Memorial Design Update Meeting. In retaliation, she blocked us from her personal social media accounts and responded to official City emails from private email addresses calling victims' families and survivors "dumb" and "traitors." Rose engaged in this misconduct as she was being investigated by the FDLE for official misconduct. Her disclosure about the alleged phone call represents yet another potential instance where the City tried to not only keep information from the public but erase the facts entirely from the City's records.

We believe that internal communications were moved from email to Microsoft Teams, as the City believed that those messages were transitory and did not have to be disclosed to the public. In 2025, we began asking for records, however, the City was charging thousands of dollars for access to those records, making them completely unattainable.[542]

The Truth About the OneOrlando Fund

The false narrative that the City continues to perpetuate, largely through public statements made by Commissioner Patty Sheehan and Mayor Buddy Dyer, is that the City fundraised over $32M that went to the victims/survivors. First, they did not fundraise this money. They *collected* this money, which poured in from around the world with very little effort on the part of the City.

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[542] Records Request No. 25-5793 ($1,494), 25-5794 ($1,254.96), and 25-5795 ($265.56 - resulted in no responsive records).

Second, if the City had its way, it would *not* have given this money directly to PULSE victims/survivors. City emails, public records, and even the City's initial press releases show that Mayor Buddy Dyer intended to have all of this money be funneled to local nonprofits, including the Central Florida Foundation. Anita Busch was key in ensuring 100% of the funds collected by the City of Orlando went directly to victims of the PULSE shooting; as she has done in mass shootings across the country and continues to do with VictimsFirst.[543]

She pulled together a contingent of victims from multiple, previous mass shootings to advocate for 100% directly to the Pulse nightclub victims and financed families from Newtown, Aurora, NIU, Isla Vista, Oak Creek Sikh Temple to advocate for Pulse victims on the ground. She also called the largest donors who were friends, the Chairman of Walt Disney and the Chairman of Universal Studios and explained what was happening with the donations and asked them to designate that their millions in donations would go directly to the victims and not to area nonprofits. They did so.

She made arrangements for the contingent of victims from previous mass shootings to talk to the *Orlando Sentinel* to stop the donations from going to area nonprofits. She also led a meeting over the phone with the City Attorney's office, all the while victims from previous mass shootings, including more from VA Tech and Newtown, flooded into that office to illustrate the power of the mass shooting network families who were willing to speak up if the City did not do right by the victims.

She convinced the board of the National Center for Victims of Crime in an emergency board meeting to move forward to set up a Centralized Victims Fund and told them that she could raise $50K in an afternoon to cover partial admin costs; she collected over $53,000 in three hours so that the National Compassion Fund and its 100% in/100% out to victims distribution model could be in place for the Pulse victims. She spoke to 9/11 Master Ken Feinberg about making sure victims would receive 100% of what was collected by the City of Orlando.[544]

She connected with Nadine Smith at Equality Florida who had what had become the largest GoFundMe --- and spoke to her at length and repeatedly about making sure the money it collected would go directly to the victims and made connections for her to the country's experts.

Anita then, subsequently, put together a second contingent of victims of gun violence and addressed the Pulse Victims' families and survivors at the Amway Center and made sure that there was a separate room only for victims' families and survivors if they wanted to meet each other, the first time this had ever happened after a mass shooting.

If not for all these actions, Mayor Dyer would have had these millions in donations doled out to numerous Orlando area nonprofits.[545] The City should not be praised for ultimately taking a course of action that it was pressured into adopting only after outside intervention from experienced victims' advocates and survivors of prior mass violence. Nor should City officials congratulate themselves or seek praise for decisions that were not their original intention.

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[543] https://youtu.be/dR1bR7PKHq0?si=PtSgROv-_Sy2q8xN; also see, https://www.orlandosentinel.com/2016/06/14/mayor-creates-oneorlando-fund-disney-is-biggest-donor-so-far-with-1-million-to-help-pulse-victims/.

[544] https://deadline.com/2016/06/orlando-shootings-disney-donates-one-million-community-only-1201772614/

[545] https://www.clickorlando.com/news/2016/07/13/timeline-shows-tie-ups-with-oneorlando-fund/

The distribution model that ensured donations flowed directly to victims and survivors was not initiated by the City itself but was instead pushed forward through the urgent efforts of advocates who recognized the serious risks of bureaucratic diversion, nonprofit profiteering, and institutional control over victim resources. Had those interventions not occurred, the millions of dollars intended for victims and survivors could have instead been dispersed through Orlando-area nonprofits and institutional intermediaries rather than directly to those most harmed by the massacre.

Chapter 7: The Misuse and Abuse of "Investigation": The Cursory Criminal Investigation Conducted by the OPD

Another method the City of Orlando has used to cover up the facts and control the narrative is through the misuse and abuse of investigations. The abuse and misuse of "investigations" represent a troubling pattern in which the guise of official inquiry is used to legitimize false claims, shield wrongdoing, and feign authority over the troubling issues surrounding the PULSE nightclub, the shooting response, and the onePULSE Foundation.

For years, State, Federal, and Local law enforcement agencies failed to conduct investigations pertaining to the police response and the nightclub's code violations and unpermitted renovations. The OPD was forced to investigate the allegations when over 30 police reports were filed by families of the deceased and survivors and the Department could no longer ignore PULSE victims' families and survivors.

The OPD's resulting, year-long "investigation" had glaring deficiencies and omissions, as it was led by individuals who either lacked the necessary skills, objectivity, or commitment to uncovering the facts. Its flawed report was riddled with errors, oversights, and biased methodologies, leading to inaccurate or misleading conclusions that serve predetermined narratives rather than justice.

Worse, the City of Orlando was empowered to use the label of "investigation" as a tool of authority, creating a false sense of credibility and accountability as they closed the case through a highly restricted and factually deficient process that avoided any meaningful examination of the City's own conduct, regulatory failures, and suppression of evidence. The process was plainly structured not to engage seriously with the underlying allegations, but to limit scrutiny, control the narrative, and bring further inquiry to an institutional dead end. **The inadequacy of this investigation is further demonstrated by the fact that one of the most significant pieces of evidence—the photograph of the blocked exit at PULSE—was uncovered by our own investigation after the OPD's investigation had concluded.** The photograph did not emerge because of the investigation, but despite it.

The City's actions evoke the governmental failures that prompted Congress to enact the Civil Rights Act of 1871 in response to "the campaign of violence and deception in the South, fomented by the Ku Klux Klan." The statute was designed not only to address private violence, but also the unwillingness or inability of state and local officials to investigate, enforce the law, and protect the civil rights of vulnerable communities.[546] More than a century later, the same concern arises when local officials fail to conduct a meaningful investigation into a mass shooting that disproportionately affected Black, Latino, LGBTQ+, and working-class individuals. Such institutional failures undermine equal protection under the law by signaling that some communities are less deserving of a thorough investigation and full governmental accountability than others. In doing so, investigative processes cease to serve the public interest and instead become mechanisms for protecting institutions from scrutiny.

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[546] Cong. Globe, 42d Cong., 1st Sess., 374 (1871) (remarks of Rep. Lowe) as cited in *Aracena v. Gruler*, No. 6:18-cv-932-Orl-40KRS (M.D. Fla. Nov. 14, 2018).

We allege that the blatant abuse and misuse of investigations by the City of Orlando—and the failure of other law enforcement agencies to conduct a robust investigation at all—represents a violation of the Fourteenth Amendment, which provides that "[n]o State shall... deprive any person of life, liberty, or property, without due process of the law" with the Due Process Clause being "intended to prevent government from abusing [its] power, or employing it as an instrument of oppression."[547]

This report is intended to serve as a mechanism for meaningful public oversight and accountability by documenting why the various local, state, and federal investigations surrounding PULSE should be revisited, independently reviewed, and, where appropriate, reopened. It is our hope that these findings also prompt internal evaluations aimed at strengthening the investigatory practices of local and state law-enforcement agencies, including improvements in training, procedural standards, investigative oversight, compliance monitoring, auditing, and evidence preservation.

More broadly, this report seeks to provide sufficient documentation and factual support to warrant external review not only of the underlying events themselves, but also of the investigative methods, limitations, conclusions, and institutional conduct of the agencies responsible for investigating the massacre and the City's regulatory failures surrounding PULSE.

It is critically important to scrutinize the extraordinary limits of the "investigative" work that OPD investigators are passing off as an "investigation" into PULSE's unpermitted renovations, code violations, and the criminal liability of Barbara Poma and Rosario Poma—inevitably clearing the Pomas of criminal liability.[548]

This substandard OPD "investigation" is full of assertions that are provably false with the public records readily available had OPD bothered to do the research required to collect the facts. Instead, OPD jumped to false conclusions by ignoring the evidence and focusing instead on the limited evidence we compiled ourselves in our own first investigative report *They Knew*, which was over three years old when OPD's began its investigation. We acquired additional evidence that we published on our website that OPD investigators completely ignored. Furthermore, they never contacted the authors of our report to validate claims, ask about sourcing, or to follow the evidence.

Additionally, **OPD investigators failed to interview the Pomas under oath; the very people who should have been at the center of this investigation. The OPD also failed to interview survivor**

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[547] *Collins v. City of Harker Heights*, 503 U.S. 115, 126 (1992) (quoting *DeShaney v. Winnebago City Department of Social Services*, 489 U.S. 189, 196 (1989)).

[548] "Probe is closed into the owners of the Pulse nightclub, where 49 people died in a mass shooting," Associated Press, WUSF, August 28, 2024. https://www.wusf.org/courts-law/2024-08-28/owners-pulse-nightclub-49-people-died-mass-shooting-wont-be-charged-orlando-barbara-rosario-poma.

complainants who "lived outside of the United States," despite the phone, ZOOM, and a myriad of technologies and applications that are available for free and could have been used to connect with those who do not reside in Orlando city limits. This again shows the City's deliberate refrain from collecting pertinent evidence.

Furthermore, OPD investigators asked survivors questions about Dr. Zachary Blair who was collecting records on their behalf more than they were asked about their experiences and personal, first-hand accounts of the nightclub's violations. **Once we obtained the video recordings of those interviews, It was clear by the questions they asked that they were not investigating the allegations. The OPD's final report showed that the City was only interested in discrediting the report and the person they perceived was the author**

Investigators also did not record a single interview with City employees.[549] The City employees that the OPD claimed to have interviewed were Timothy Johnson, Lilian Scott-Payne, Charles Howard, and Scott Smith, but the City did not have recordings of those interviews to release.[550]

Why would the City's law enforcement department avoid documenting statements from City employees involved in PULSE's permits and violations, yet document all of their interviews with victims' families and survivors?

Since the shooting, Johnson has been promoted to the Deputy Director of the Economic Development Department. Referred to as "TJ" in Tammy Hughes' text messages, he is directly tied to allowing PULSE to operate without permits and in violation of NFPA codes.

Nearly five pages of the 23-page OPD report is a copy and pasted timeline of the 3-hour-plus-long response, lifted from the Police Foundation's *Rescue, Response, and Resilience* critical incident review, which has been criticized by the City's own former Assistant Chief with the Orlando Fire Department, Anibal Saez Jr., as being whitewashed. Saez is the same City employee who, prior to the PULSE shooting, pressured City leadership for three years to adopt a written active-shooter policy. City leadership never did it and on June 12, 2016, the City did not have an Active Shooter Policy in place.[551]

The Police Foundation's report fails to acknowledge that the response lasted over three hours and was the longest law enforcement response in the history of mass shootings in the United States.

It also did not take into consideration that every second matters when a mass shooter begins firing with a semi-automatic assault rifle. Any delay or hindrance to escape and rescue, whether its seconds, minutes, or hours, is a serious issue that evidence shows resulted in additional injury, death, and trauma for Pulse victims/survivors.

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[549] See Request 24-11738. Also, email from Records Department to Dr. Zachary Blair, March 10, 2025, 10:43 AM, Subject: Re: Please Re-Open the Following Requests in NextRequest: 24-11738, and 25-2065, 25-2052. City of Orlando.

[550] Records Request No. 26-3095, 24-3324, and 24-8412 (City of Orlando).

[551] See Appendix O.

This is why OPD's own Detective Chris Haas painstakingly calculated the shooting and response timeline down to fractions of a second when he created the OPD's own timeline, which was not released to the public until months after the Police Foundation's report was published.[552]

We wish the OPD investigators handling Case #2023-205852 put in the same effort as Haas did when he wrote the Homicide Supplemental Report in the immediate aftermath of the shooting while the world was watching.

It is also important to point out that the Police Foundation's timeline was not created as the result of any official government investigation or even a critical review of the facts done by the Department of Justice (DOJ). Rather **the entire after-action report was crafted by a team of seven people working for the pro-police nonprofit** that was in 2016 called **The Police Foundation**.[553] *Rescue, Response, and Resilience* was **only** funded by the Department of Justice COPS Office and subsequently promoted and published by them.[554] In this particular instance, the Department of Justice COPS Office was nothing more than The Police Foundation's funding source and publishing house. **The DOJ did not author or conduct the research used for the report, contrary to what the OPD falsely claimed in their investigative report** for Case #2023-205852.

We learned this in 2024 through our public records request with the DOJ for the records that The Police Foundation nonprofit used to inform their critical incident review, seeking access to the same data they collected for our investigation and to independently validate their findings. In response to our public records request. The DOJ contacted Dr. Zachary Blair by phone on April 25, 2024, stating that they do not possess any of the data used for the report—including 74 interviews that have never been released to the public—**because they were never provided with data to review**.

The Police Foundation researched and wrote the report without governmental oversight and only submitted it to the DOJ upon completion for the DOJ's stamp of approval.

The COPS Office never reviewed the underlying evidentiary data collected by the Police Foundation. There was no peer review. There was no independent evaluation of the methods used, which is particularly problematic given that the report relied heavily on focus groups composed of responding officers themselves. While focus groups may be appropriate tools for organizational feedback, public-relations assessment, or market research, they are not recognized investigative methods for objectively evaluating police conduct, evidentiary disputes, or potential operation failures in a mass shooting.

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[552] OPD Homicide Unit, Supplement Report, Case Number 2016-242039, 06/12/16. Supplement Date: September 20, 2016.

[553] Straub, Frank, Jack Cambria, Jane Castor, Ben Gorban, Brett Meade, David Waltemeyer, and Jennifer Zeunik (The Police Foundation). 2017. *Rescue, Response, and Resilience: A Critical Incident Review of the Orlando Public Safety Response to the Attack on the Pulse Nightclub. Critical Response Initiative*. Washington, DC: Office of Community Oriented Policing Services.

[554] **There is a disclaimer on the second page of what OPD erroneously referred to as a report "conducted by the U.S. Department of Justice," that makes it clear this is not the work of the U.S. DOJ.** It states: "This project was supported, in whole or in part, by cooperative agreement number 2016-CK-WX-K021 awarded by the US Department of Justice, Office of Community Oriented Policing Services. The opinions contained herein are those of the author(s) or contributor(s) and do not necessarily represent the official position or policies of the US Department of Justice. References to specific individuals, agencies, companies, products, or services should not be considered an endorsement by the author(s) or the US Department of Justice. Rather, the references are illustrations to supplement discussion of the issues."

In short, the DOJ outsourced the creation of PULSE's critical incident review without exercising any meaningful oversight to verify its accuracy. This lack of public accountability is deeply concerning, especially when it pertains to one of the deadliest incidents of mass violence in the United States and the report continues to be used and referenced as an authoritative text issued by the federal government.

The day following this phone call, on April 26, 2024, Dr. Zachary Blair then contacted The Police Foundation (now called the **National Policing Institute**) to get access to the data they collected to write *Rescue, Response, and Resilience*. **Unbelievably, we received a response from Jane Mott-Palmer, Chief of Staff of the nonprofit, who stated, "Thank you for reaching out regarding our work on the Pulse Nightclub After Action Review. Our retention policy aligns closely with federal grant retention policies, which do not require retention beyond three years.** Please let us know if there is anything else we can do to help."

Dr. Blair responded and asked for confirmation, "Does this mean that the National Policing Institute does not have the interviews and data related to the Pulse shooting and response?" Mott-Palmer responded with a simple, "Yes — that is correct. Thank you."

Furthermore, the OPD's copy-and-pasting of The Police Foundation's timeline in their investigative report is also troubling when you consider that Jim Birch, the President of the National Police Institute, said publicly that after-action reports are limited in scope and are only intended to identify areas of improvement. With this, a pattern has emerged where investigatory bodies admit that their reviews are narrow, constrained, and—in this case—not even investigative in purpose.

Is our own investigation really the only truly comprehensive effort undertaken to examine the regulatory failures, operational decisions, evidentiary gaps, fraud, and institutional conduct surrounding PULSE, the City of Orlando, and the onePULSE Foundation?

The limited role of the Police Foundation was documented in reporting on these after-action reviews from the *Texas Tribune* following the mass shooting in Uvalde, where the 77-minute law enforcement response resulted in a grand jury and the indictments of Uvalde Consolidated Independent School District Police Chief Pete Arredondo (still facing trial that could land him a 10-year sentence) and former school police officer Adrian Gonzales (since acquitted):[555]

> *He [Birch] and other experts who conduct such reviews told the newsrooms that their work often*

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[555] "Former Uvalde school police chief, officer indicted in 1st ever criminal charges over failed response to 2022 mass shooting," Shimon Prokupecz, Leigh Waldman, and Emma Tucker, *CNN*, June 28, 2024. https://www.cnn.com/2024/06/27/us/uvalde-grand-jury-indictments-police-chief-officer/index.html.

> *unfolds concurrently with litigation, criminal investigations, and internal disciplinary reviews. As a result, they can face limitations that include key personnel declining to speak and an unwillingness or inability, legal or otherwise, to share records. In other cases, the scope of the review may be restricted to a specific aspect of the shooting, such as the medical response, or confined to the role of the agency that requested the report, even if multiple departments responded.*[556]

If the OPD was interested in conducting a legitimate investigation, it would not have merely recycled The Police Foundation's timeline. Rather, investigators would have rigorously scrutinized and reconciled the numerous timelines already produced by other organizations—including timelines generated by OPD itself—while independently evaluating conflicting evidence, witness accounts, dispatch records, surveillance footage, and officer statements in order to construct a more accurate and authoritative chronology of events.[557]

This is what we attempted to do, and we found that **the OPD's timeline created by Detective Chris Haas from the OPD Homicide Unit in its Supplement Report from 6/12/2016 provides an exceptionally more accurate timeline and description than anything created by the Police Foundation**.[558] At the same time, it is important to acknowledge that Haas' timeline is not completely factually accurate—as Jeffrey Badger has pointed out in his own analyses.

So, we ask, why would the OPD copy-and-paste a timeline from a nonprofit that omits pertinent facts when their own timeline, created by OPD Detective Chris Haas, is more detailed and accurate? When their own timeline can be supplemented with additional evidence the City already has in its possession?

The OPD investigators in charge of the 2024 report could have created a revised timeline based on more-recently-discovered facts and using the fact-based allegations made in our report *They Knew* as a lens for critically re-evaluating all available evidence, including additional evidence we have published that investigators ignored. A meaningful revised timeline that is inclusive of pertinent facts uncovered through a thorough investigation pertaining to the 2024 allegations could have looked like this had the OPD collected the evidence:

2:01:20 a.m. (not 2:02 a.m.) - Shooting Begins.[559]

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[556] "Reports about police actions in U.S. mass shootings lack standardization and often leave unanswered questions," Lexi Churchill and Lomi Kriel, *Texas Tribune*, December 27, 2023. https://www.texastribune.org/2023/12/27/police-reponse-mass-shooting-reports-questions/

[557] On July 9, 2026, Zachary Blair sent an email to the current leaders of the National Policing Institute that included Gruler's sworn testimony and the sworn affidavits provided by the City of Orlando showing that OPD and OFD had no Active Shooter Policy. He asked whether they continue to stand by their *After-Action Critical Incident Review* in light of this new evidence, which contradicts one of its central conclusions. He sent a follow up email on July 21, 2026. As of the time of writing this report, there has been no response.

[558] See Appendix G.

[559] Source Exhibit 100; *United States of America v. Noor Zahi Salman*

2:02 a.m. - Rather than run inside the nightclub towards the Active Shooter and gunfire as people are still inside, as Active Shooter Protocol required, OPD Detective Adam Gruler radioed, "Shots fired! Shots fired. Shots fired" and took cover behind a vehicle. From outside of the south side of the nightclub, Gruler fired several rounds at the shooter who continued to fire inside of the club at victims.[560]

Gruler described contemplating at this point whether or not the shooting was just the front door slamming. He witnessed the nightclub's front door (which he describes as a "big steel door with a plexiglass insert") slamming shut and making a "sound like that of a small caliber gunshot." He then witnessed a Hispanic woman banging on the door. However, he described, "[s]he stopped and the shooting continued."[561]

2:03 a.m. – Officer Connary Reynolds arrives on scene. Rather than follow Active Shooter Protocol and go into the building towards active gunfire to neutralize the threat, he, too, took cover behind a vehicle in the parking lot and remained outside of the nightclub with Gruler as the shooting continued.

As Gruler describes:

"Um, what seemed like forever went by uh but at one point just masses of people started flowing out of the building from *every crevice they could*… Um, the shooting continued. There was the first series, when the first shots went off, I thought it was a handgun. But then as the shooting of the first series continued, I knew it became a long gun because of the number of rounds that was expended. The uh, there was... there was a pause and then another, what I called volley. Another series of…of rounds. Um, victims started coming out, bleeding."[562]

Despite multiple "volleys," law enforcement on scene (now two officers, Gruler and Connary) still did not follow Active Shooter Protocol and move towards the sound of gunfire (into the building) to neutralize the threat.[563]

Gruler knew at this point it was an Active Shooter and described that at this moment (prior to Scott Smith's radio response to go in the building), in his own words, he made the "conscious decision, 'I will not die tonight.'"[564]

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[560] Source: OPD Homicide Report. See Appendix G.

[561] Source: FDLE Internal Affairs Investigation. See Appendix I.

[562] Source: FDLE Internal Affairs Investigation. See Appendix I.

[563] Source: FDLE Internal Affairs Investigation, pg. 124. See Appendix I.

[564] Compare Gruler's "conscious decision" that he will not die during the active shooting at PULSE with former OPD Police Chief John Mina's criticism of the Uvalde mass shooting response, which took 76 minutes and not 3 hours. **Mina stated, "It [Uvalde] was a failure to act.** We all take an oath knowing that we might not come home one day." Source: "Orange County Sheriff John Mina discusses DOJ Uvalde Investigation Report," *WFTV*, January 23, 2024, https://www.google.com/search?client=safari&rls=en&q=orange+county+sheriff+discusses+Uvalde&ie=UTF-8&oe=UTF-8. No officers were killed or suffered a single gunshot wound during the 3-hour-long PULSE response. 49 unarmed civilians were murdered at PULSE and dozens of others were wounded by gunfire, with many taking multiple shots to their

2:04 a.m. – After two minutes of rapid-fire shooting, during which Gruler makes several radio transmissions, Lieutenant Scott Smith responds on the radio and says, “Hey stay off the radio, you already called 43 Gruler, people are coming to you, **if he is still shooting and there are people in there, you need to go contact them**.”[565]

Officer James Hyland arrived on scene and also took cover behind his pickup truck as rapid-fire gunshots continued, which were recorded on Officer Ann Mislang’s dash camera as she pulled up in front of the nightclub.[566]

2:05 a.m. – With numerous backup officers on scene at this point, none follow Active Shooter Protocol by going inside the building to neutralize the threat—even as a team. Instead, they took positions around the nightclub to “watch” the doors in case the shooter tried to escape. Rapid gunfire can still be heard inside the club, until rapid gunfire stopped **at approximately 2:05:32** because the shooter’s semi-automatic assault rifle jammed.[567]

2:06 a.m. – Detective Gruler is heard on Officer Mislang’s dash camera forming a team to enter the nightclub. However, at 4 minutes and 6 seconds into the shooting, they still do not follow Active Shooter Protocol and enter PULSE. Officer Hyland radioed, “I got the south doors over here, I have got one down, still got an Active Shooter in here.”[568]

An officer (off site) radioed: “Get a team and engage.”[569]

Two more officers arrive (Richard Fink and Felix Monroig-Santiago), making a total of five officers on scene.

2:07 a.m. – Radio transmissions recorded:

Officer Hyland, “No headquarters. We have an active shooter.”[570]

Lt. Scott Smith, “If shots have stopped, just hold it and we huh, we will get a team together here is anyone else still inside?”[571]

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unprotected bodies. In active shooting situations, the lives of civilians take priority over the lives of officers. This was clearly not the case at PULSE, particularly in the first critical minutes when officers failed to follow Active Shooter Protocol.

[565] Source: FDLE Internal Affairs Investigation. See Appendix I.

[566] Source: OPD Homicide Report. See Appendix G.

[567] Source: OPD Homicide Report. See Appendix G.

[568] Source: FDLE Internal Affairs Investigation. See Appendix I.

[569] Source: FDLE Internal Affairs Investigation. See Appendix I.

[570] Source: FDLE Internal Affairs Investigation. See Appendix I.

[571] Source: FDLE Internal Affairs Investigation. See Appendix I.

Lt. Scott Smith arrives, followed by Brandon Cornwell and an unknown K-9 Officer whose name was redacted from the record.[572] This makes a total of 7 officers on scene.

Although the shooter was still moving around the inside of the bar between the main bar and the west bar (Adonis Room), officers still did not go inside or neutralize the threat and allowed him to walk into the back bathrooms at approximately 2:07 a.m. where he stayed the remainder of the incident.[573]

Between 2:07-2:08 a.m. The shooter begins firing *again* from inside the bathrooms. **28 additional rounds are fired, audibly from the shooter's handgun**.[574] This continued to be an Active Shooter situation.[575]

Survivors who ran into the bathroom, including **Amanda Grau**, said the shooter used his gun to shoot her three additional times while she was trapped in the bathroom with him and when he opened fire again inside the bathroom.[576] This during this 28-round volley of fire and still officers did not run towards the gunfire.

2:08 a.m. – According to radio traffic, gunfire can still be heard, which means gunfire did not stop as the shooter moved between the north and south bathrooms where victims/survivors were trapped. He was killing people, with no interest in taking them hostage. Still, no officers went towards the shooting and neutralized the threat.[577] Unarmed victims lay dying inside the club and survivors remain trapped and bleeding in various spaces of the nightclub. This is now nearly 7 minutes into the shooting.

One of two teams formed and entered the unpermitted patio and proceeded onto the main dance floor. This team of four consisted of Officer Ann Mislang (who had a long gun), Officer Felix Monroig-Santiago, Sergeant Ira Morris, and Officer Doug Cote. This is the first team to approach the building through the patio and unbeknownst to the officers, the suspect was now in the bathroom where victims/survivors, some shot and who could not escape so they ran into the bathrooms to hide.[578]

2:09 a.m. – Approximately more than 8 minutes after the shooting began, the second team of officers broke the window to the reception area—the nightclub's only window because the owners illegally walled over required windows facing the patio in the main dance floor area and also in the Adonis Room.

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[572] Source: OPD Homicide Report. See Appendix G.

[573] Source: OPD Homicide Report. See Appendix G.

[574] Source: State Attorney Aramis Ayala Press Conference, Pulse Nightclub Shooting Update, Shoot Review, February 13, 2019, https://www.youtube.com/watch?v=GS8Hkgeh8Xg.

[575] Source Exhibit 100; *United States of America v. Noor Zahi Salman.*

[576] "Amanda Grau speaks about being held hostage inside Pulse Nightclub during the June 12 massacre," Jacqueline Ingles, *ABC Actions News WFTS Tampa Bay*, July 4, 2016, https://www.abcactionnews.com/news/region-tampa/amanda-grau-33-was-held-hostage-inside-pulse-nightclub-during-the-june-22-massacre; Also, "'I dove over their bodies': Pulse mass shooting survivor hears her dad's 911 call for first time," Nicole Rogers, *WFLA*, June 12, 2014, https://www.wfla.com/news/hillsborough-county/i-dove-over-their-bodies-pulse-mass-shooting-survivor-hears-her-dads-911-call-for-first-time/.

[577] Source: FDLE Internal Affairs Investigation. See Appendix I.

[578] Source: OPD Homicide Report. See Appendix G. Pg. 7.

They do not step inside until roughly 2:10 a.m., but as they are breaking the window, Sgt. Morris' team enters from the illegal, unpermitted patio into the main dance floor.[579]

Had the illegal fence, unpermitted patio, and walled-over required windows been compliant with building and zoning codes, responding officers would have had a clearer view inside the nightclub to coordinate their response during these critical first minutes of the Active Shooter situation.

2:10 AM – SWAT commander's team entered the club through the large window in the unpermitted reception area. Again, this was the only window in the building, as other required windows on the east side of the building that would have allowed officers to look directly into the dance floor where most of the victims laid dead or dying had been illegally walled over. **This means that officers waited outside the building for over 8 minutes and as approximately 139 AR15 rounds were fired, as well as additional rounds from the shooter's handgun.** (*Source: OPD Homicide Report and State Attorney's "Shoot Review"*).

Once inside, police see what they refer to as "beaded doors" Lt. Scott Smith described these as, "beads hanging there so you can't really see [inside the club]" (*Source: FDLE Internal Investigation*). Gruler stated, "I don't know left or right."

The Police Foundation, **erroneously** stated in its timeline, "No more gunshots were heard being fired by the suspect until the final breach" and "At this point, the nature of the incident transitioned to a barricaded suspect with hostages." **The OPD's records show in the next minute, 5 additional shots were fired** (*Source: OPD: Homicide Report*). Ignoring his documented fact, OPD investigators repeated and prominently bolded the false statement in its 2024 report, effectively reinforcing the false claim through repetition as to convey institutional validation rather than critical scrutiny.

2:11 AM – Following what police called an "extended pause" (which lasted less than two minutes), the shooting did not stop, and the shooter **fired "at least five additional shots" inside the club.** Thus, the situation continued to be an Active Shooter situation, 9 minutes and 30 seconds after the Signal 43 was called (Source: *OPD Homicide Supplemental Report*).

These additional rounds are not even mentioned in The Police Foundation's timeline.[580]

Officers at this point knew that the shooter was "barricaded" in one of the bathrooms, although were not sure which one. They did not enter either bathroom to identify the location of the threat or to neutralize the threat. They continued to **not** follow Active Shooter Protocol. Instead, they pointed their guns towards the hallway between the two bathrooms from a position of cover behind the Adonis Room bar, and waited again for the gunman to stop shooting. (*Source: OPD Homicide Report*).

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[579] Source: OPD Homicide Report. See Appendix G.

[580] See Appendix A; Section VIII: Investigation – Allegation One (1). Section 3.2.

2:12-2:13 AM – Officer Gruler (the first officer on the scene who was supposed to provide security) enters PULSE for the first time, more than 10 minutes after the shooting started and only after the gunfire had stopped (*Source: OPD Homicide Report*).

2:14 AM – More than 12 minutes after the shooting started, officers finally began assessing injured victims in the main dance floor. 22 uninjured people are located inside the southeast bathroom, near the patio, and are led out of the building.

2:15 AM – The first injured victims are helped off the illegal main dance floor that the City of Orlando asked Rosario Poma to remove, with at least 7 victims being extracted from the building. This is more than 13 minutes into the shooting. This continues for several minutes, with some injured victims not being removed from the main dance floor until 2:20 AM (*Source: OPD Homicide Report*).

2:22-2:23 AM – Victim calls 9-1-1 from inside the bathroom and tells dispatcher that the shooter is reloading his firearm. Officers still do not approach the shooter or go inside the bathroom, despite this imminent threat of the shooting continuing (*Source: OPD Homicide Report*).

2:32 AM – Five people are extracted from the kitchenette (storage room) behind the main bar off the main dance floor, where a large beverage cooler blocked the door leading out to the patio. Two were injured and had to be carried out. They were moved to the illegal patio (*Source: OPD Homicide Report*). This is 30 minutes after the shooting started. **We know that Luis Ocasio Capo, who was pronounced dead at the hospital, was one of the injured victims who was trapped here, based on a survivor account who was trapped with him.**

2:35 AM – 33 minutes after the shooting began, 6 people were rescued in the unpermitted upstairs office. Survivors believed there was a rooftop exit as they were fleeing to try to find safety. There was not (*Source: OPD Homicide Report*). 3 of the 6 survivors had gunshot wounds. Law enforcement also looked for rooftop access during this response (*Source: Chase Helicopter Transmissions, Orange County Sheriff's Office*).

2:48 AM - Active-shooter situation becomes a hostage-barricade situation, as the shooter claimed to have bombs (*OPD: Homicide Report*). This means that **for the first 46 minutes of the shooting, OPD failed to follow Active-Shooter protocol**, allowing the shooter to make false bomb threats that caused the active shooting situation to turn into something else that would take law enforcement more than 2 additional hours to figure out.

3:42 AM – Four Male dancers rescued from dressing room on northwest side (*Source: OPD Homicide Report*).

4:45 – 4:50 AM – Police learn of a group of 8 survivors hiding in an unpermitted dressing room just north of the bathrooms. They are pulled out of a hole in the wall made for an air conditioning unit (*Source: OPD Homicide Report*).

5:08 AM – **SWAT breaches the wall in the wrong spot**. Additional holes had to be made before victims could be rescued out of the southwest bathroom (*Source: OPD Homicide Report*).

5:10 – 5:13 AM – Survivors extracted from bathroom (*Source: OPD Homicide Report*).

5:14 AM – Additional shots fired in the bathroom, where victims are still trapped with the shooter, as SWAT teams are using a battering ram to widen holes they made on the building's west side (*Source: OPD Homicide Report*).

5:15 AM – Final confrontation between shooter and law enforcement. Officer Napolitano injured from being shot in the helmet and taken from the scene between 5:17 AM – 5:18 AM (*Source: OPD Homicide Report*). **Over 172 shots are fired by 13 police officers towards the shooter** who was coming out from the north bathroom towards the hole law enforcement made in the wall by the hallway. **Even at close range, only 7 bullets hit the shooter**. Despite the FBI ballistics report being inconclusive and the limited scope of the FDLE's Use of Force investigation and State Attorney Aramis Ayala's shoot review, **all officers were cleared and it was determined that none of these 172+ rounds struck and killed victims in the bathroom.** This was based primarily on the observation that there was an absence of markings on a wall that separated the stalls from where police shot and killed the shooter (*Source: State Attorney, Aramis Ayala, Press Conference*).[581]

Contradicting the State Attorney, however, survivors/witnesses did state that **at least 5 victims were still alive until the final shots were fired** (Source: *WAPO*).[582] They were not clear if the final shots from the shooter or from law enforcement struck and killed victims. Furthermore, photographs released by the OPD that same year do show bullet holes in the bathroom wall. **There does not appear to be any photo taken of the wall that separated the stalls, which Barra said was unblemished and provides the evidence that no bullets hit victims/survivors in the north bathroom.[583]** On March 21, 2025, we asked the State Attorney's Office for this evidence. Its Records Department responded on April 7, 2025, stating that no photos of the wall were found. However, during our site visits in June 2025, we were able to confirm that the wall that separated the bathroom stalls from the hallway did not have any bullet markings on it.

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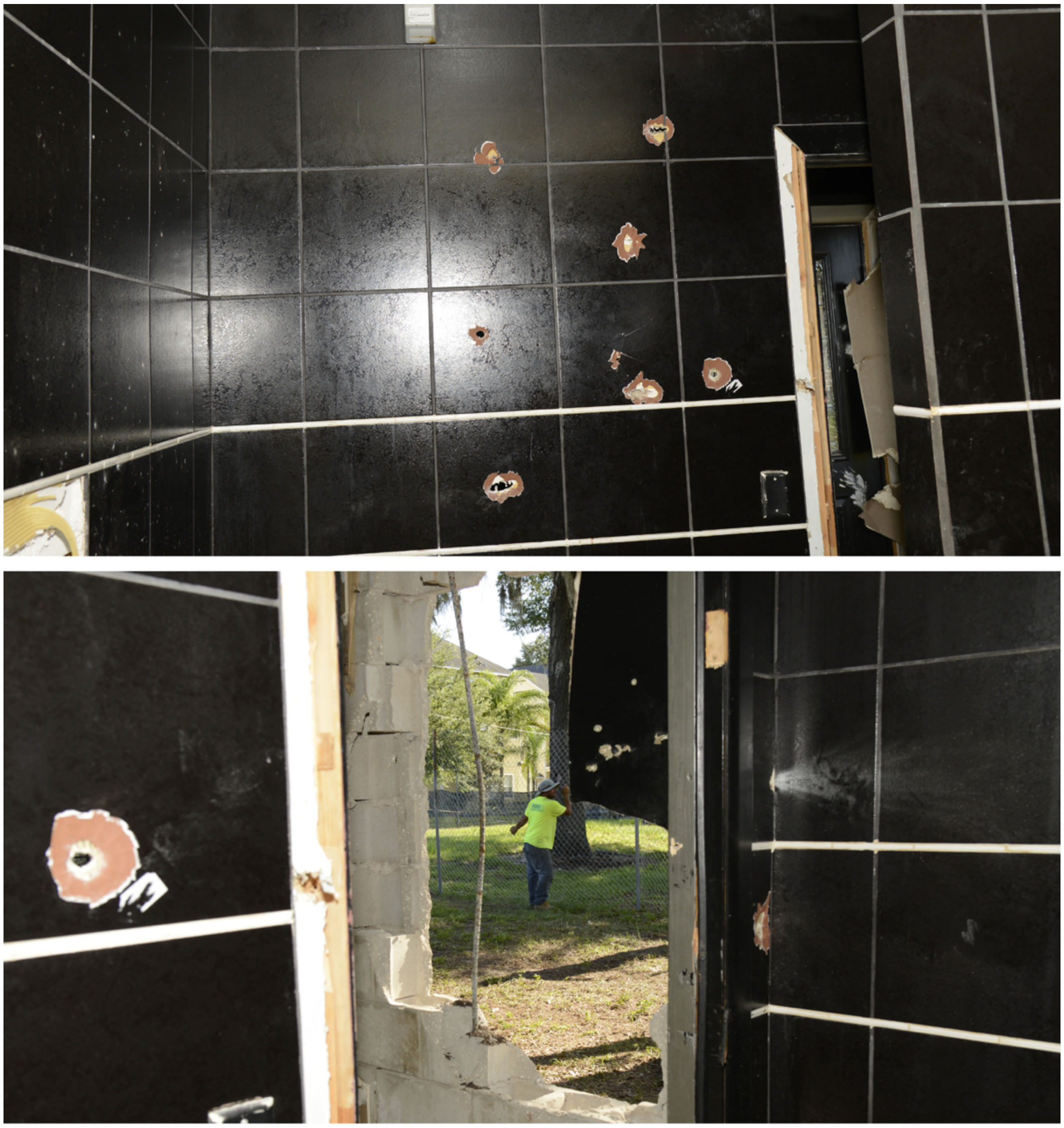
[581] "Press Conference: Orlando Nightclub Shooting," *Orange (County) TV*, February 13, 2019. https://www.youtube.com/watch?v=GS8Hkgeh8Xg

[582] "'They took too damn long': Inside the police response to the Orlando shooting," Adam Goldman and Mark Berman, *The Washington Post*, August 1, 2016, https://www.washingtonpost.com/world/national-security/they-took-too-damn-long-inside-the-police-response-to-the-orlando-shooting/2016/08/01/67a66130-5447-11e6-88eb-7dda4e2f2aec_story.html.

[583] Pulse Photo Release: January 17, 2017, Pulse Tragedy Public Records, City of Orlando; https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records.



OPD Images SRM022.JPG and SRM0250: Show bullet holes going into the north bathroom. No photos were taken of the wall that the State Attorney's Office said was unblemished.[584] During our site visits to the nightclub, we evaluated the wall ourselves and confirmed the State Attorney's observation that there was no evidence of it being struck by bullets.

5:19 – 5:26 AM – Remaining victims extracted from the northwest bathroom and the bomb threat continued for several additional hours until the FBI was able to determine the scene was safe (*Source: OPD Homicide Report*).[585]

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[584] Pulse Photo Release: January 17, 2017, Pulse Tragedy Public Records, City of Orlando; https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records.

[585] Dr. Jeffrey Badger was instrumental in ensuring this timeline was factual and details were correct. His unpublished presentation and analysis "Frame the narrative, Control the narrative: Chief John Mina, the Department of Justice COPS organization, and the 2016 Pulse Nightclub Shooting" (2025) was utilized as independent verification, external validation, and secondary confirmation. Dr. Badger can be contacted at badgerjeffrey@hotmail.com.

This reconstructed timeline is based on triangulating information from **multiple sources**—including the OPD's own timeline and the FDLE's Internal Investigation report and not copied and pasted from the Police Foundation's limited report.

As the State Attorney's Office responsibly noted at the onset of their own presentation, "*concerns about the officers' timing*" and **failure to follow Active Shooter Protocol within the first critical minutes of the active shooting situation** "*did not fall under the scope of the state attorney's review, which was focused on the shots fired by officers and whether those shots were justified.*"[586] The OPD made no such statement.

Since the shooting, the OPD has pointed to temporary pauses in gunfire as justification for not following Active Shooter Protocol and claiming the shooting shifted to a barricaded gunman situation before officers ever entered the building. **This assertion not only ignores the fact that gunfire briefly resumed after the shooter's rifle jammed and what police deemed to be "*an extended pause*," but it also ignores the fact that the imminent threat of additional shooting was simultaneously being revealed to law enforcement from victims' 911 calls from inside the bathroom that informed police that the shooter was reloading at around 2:22 a.m.**[587]

This showed the shooter's intent to continue killing. He never demonstrated the intent to take hostages.

While Detective Gruler may have his abandoned his duty to follow protocol and neutralize the shooter because he was scared, outgunned, and did not want to die, there is no excuse for why none of the other responding officers who came to the scene failed to also follow Active Shooter Protocol and stayed outside the PULSE nightclub as rapid gunfire rang out inside the building. While Officer Ann Mislang's dash-cam footage shows responding officers, including Gruler, retreating and taking cover behind parked cars despite not being positioned in the direct line of the shooter's gunfire, Officer Graham Cage's body-camera **footage separately captures another team of officers approaching the front entrance of PULSE before immediately pulling back and yelling, "Get back!" after rapid gunfire erupts.**[588]

This was the OPD's approach to gunfire throughout the response. **No one went towards the sound of gunfire. No one went in the nightclub towards the shooter while he was actively shooting. No one risked their lives to neutralize the shooter**, allowing many more wounded victims trapped in the bathrooms to bleed out during the **over-three-hour-plus response** and then get shot and killed in the final moments of the ordeal.

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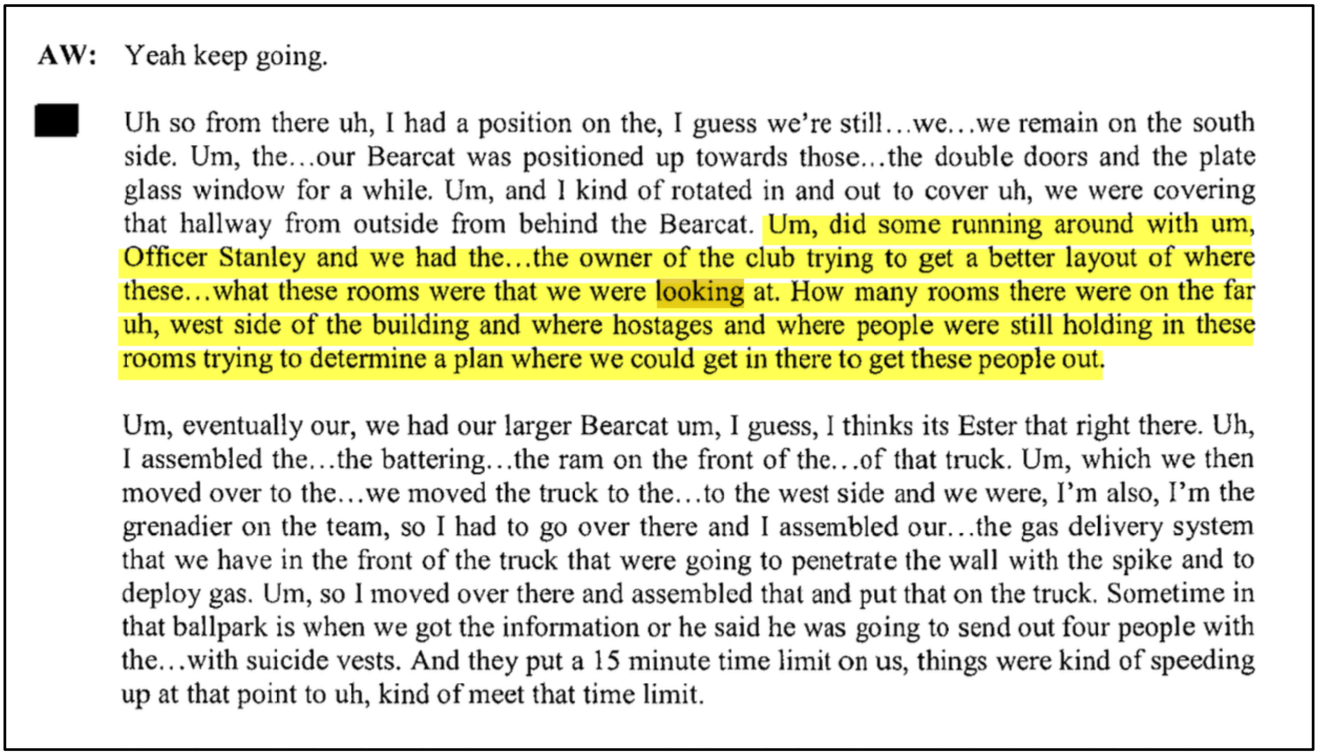
[586] "No Civilians Were Hit by Police Gunfire at Pulse Nightclub Shooting, Authorities Say," Jacey Fortin, *New York Times*, February 19, 2019, https://www.nytimes.com/2019/02/13/us/pulse-nightclub-orlando-officer-gunfire.html.

[587] "Pulse calls reveal terror inside club," Charles Minshew and Gal Tziperman Lotan, *Orlando Sentine*l, November 15, 2016, https://digitaledition.orlandosentinel.com/tribune/article_popover.aspx?guid=1f65f81e-d05b-4e73-baec-884959cda722.

[588] It is also worth noting that Cage's bodycam records him saying, "**They changed this place up"** (without permits) as they entered the building and tried to navigate the space. Footage also shows him not knowing what was behind doors or where doors were located. **Doors were moved and installed throughout Pulse without permits.**

There is also no legitimate reason for why the many police officers failed to follow Active Shooter Protocol and storm either of the bathrooms, especially when two wounded survivors crawled out of the bathrooms—despite their gunshot wounds—and escaped the nightclub on their own in the first 20 minutes (Norman Casiano-Mojica, who police shot at) and again at 3:06 a.m. (Angel Santiago).

Contrary to the OPD's false claim that response efforts were not hampered by the lack of building plans, there are many records indicating responders were looking for building plans and unable to find them because they didn't exist. This evidence includes sworn testimonies collected by the FDLE and body cam footage.

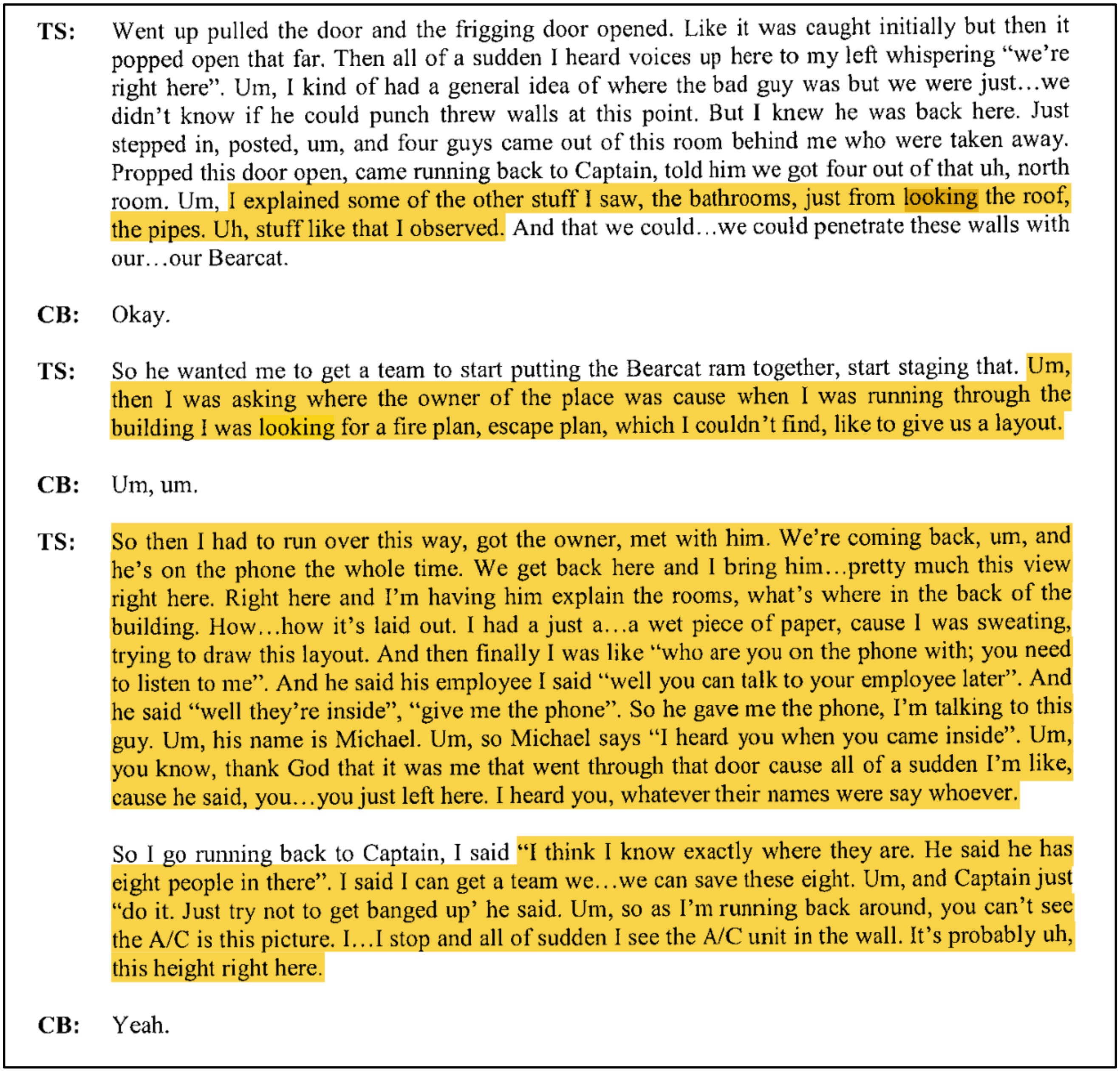


AW: Yeah keep going.

[redacted] Uh so from there uh, I had a position on the, I guess we're still…we…we remain on the south side. Um, the…our Bearcat was positioned up towards those…the double doors and the plate glass window for a while. Um, and I kind of rotated in and out to cover uh, we were covering that hallway from outside from behind the Bearcat. Um, did some running around with um, Officer Stanley and we had the…the owner of the club trying to get a better layout of where these…what these rooms were that we were looking at. How many rooms there were on the far uh, west side of the building and where hostages and where people were still holding in these rooms trying to determine a plan where we could get in there to get these people out.

Um, eventually our, we had our larger Bearcat um, I guess, I thinks its Ester that right there. Uh, I assembled the…the battering…the ram on the front of the…of that truck. Um, which we then moved over to the…we moved the truck to the…to the west side and we were, I'm also, I'm the grenadier on the team, so I had to go over there and I assembled our…the gas delivery system that we have in the front of the truck that were going to penetrate the wall with the spike and to deploy gas. Um, so I moved over there and assembled that and put that on the truck. Sometime in that ballpark is when we got the information or he said he was going to send out four people with the…with suicide vests. And they put a 15 minute time limit on us, things were kind of speeding up at that point to uh, kind of meet that time limit.

Excerpt from Alphonso Williams' Sworn Interview (FDLE): Showing that he was one of the officers who ran around trying to find a building plan to locate and rescue victims/survivors.



TS: Went up pulled the door and the frigging door opened. Like it was caught initially but then it popped open that far. Then all of a sudden I heard voices up here to my left whispering "we're right here". Um, I kind of had a general idea of where the bad guy was but we were just…we didn't know if he could punch threw walls at this point. But I knew he was back here. Just stepped in, posted, um, and four guys came out of this room behind me who were taken away. Propped this door open, came running back to Captain, told him we got four out of that uh, north room. Um, I explained some of the other stuff I saw, the bathrooms, just from looking the roof, the pipes. Uh, stuff like that I observed. And that we could…we could penetrate these walls with our…our Bearcat.

CB: Okay.

TS: So he wanted me to get a team to start putting the Bearcat ram together, start staging that. Um, then I was asking where the owner of the place was cause when I was running through the building I was looking for a fire plan, escape plan, which I couldn't find, like to give us a layout.

CB: Um, um.

TS: So then I had to run over this way, got the owner, met with him. We're coming back, um, and he's on the phone the whole time. We get back here and I bring him…pretty much this view right here. Right here and I'm having him explain the rooms, what's where in the back of the building. How…how it's laid out. I had a just a…a wet piece of paper, cause I was sweating, trying to draw this layout. And then finally I was like "who are you on the phone with; you need to listen to me". And he said his employee I said "well you can talk to your employee later". And he said "well they're inside", "give me the phone". So he gave me the phone, I'm talking to this guy. Um, his name is Michael. Um, so Michael says "I heard you when you came inside". Um, you know, thank God that it was me that went through that door cause all of a sudden I'm like, cause he said, you…you just left here. I heard you, whatever their names were say whoever.

So I go running back to Captain, I said "I think I know exactly where they are. He said he has eight people in there". I said I can get a team we…we can save these eight. Um, and Captain just "do it. Just try not to get banged up' he said. Um, so as I'm running back around, you can't see the A/C is this picture. I…I stop and all of sudden I see the A/C unit in the wall. It's probably uh, this height right here.

CB: Yeah.

Excerpt from Officer Timothy Stanley's Sworn Interview (FDLE): Showing that he ran through the building looking for a fire plan or escape plan. There was none.

Unlike the OPD's 2024 "investigative" report, our investigation included the review of dozens of hours of police body cam video from all responding law enforcement agencies (some never released to the public), photographs (including photos illegally leaked to the public depicting murdered victims), police radio traffic, 911 calls, helicopter footage, dash cam footage, witness statements, all official investigative reports, permitting and code enforcement records, City emails, archival/historical research, formal and informal interviews with dozens of survivors and victims' families, and whistleblower statements.

In addition to choosing not to interview all complainants and asking impertinent questions to the few survivors they did interview, we know the City of Orlando willfully neglected to collect evidence because on June 9, 2023, victim advocate Dr. Zachary Blair wrote Officers Mastrangelo and Sanchez offered to come into OPD Headquarters to give his own recorded statement and connect them with other survivors and victims' families who do not reside in Orlando. They never responded.[589]

The OPD's 2023-2024 "investigation" is not the first time the City of Orlando willfully neglected to collect evidence pertaining to the issues at PULSE, the only purpose of which would be to protect the City from being held accountable for its own disastrous negligence.

Again, immediately following the shooting, **Fire Marshal Tammy Hughes was to do an inspection of PULSE for the specific purpose of documenting the code violations inside the building.** An email between Hughes and Chief Williams states, "...once the scene is safe, I will have Fire Marshal Tammy Hughes evaluate [*sic*] the facility to ensure that it was in compliance with all applicable codes."[590] **However, this inspection was called off. It is not clear who inside the City called this inspection off and the City has refused to answer when asked directly.**[591]

It was only through Records Request 20-2028 for the results of that inspection that we learned why this inspection was called off and why there was no final evaluation of the PULSE building. The City responded to our request stating, "The evaluation was not completed as the Pulse location was considered an open/active crime scene and subsequently a vacant building. The Fire Department's policy does not require the inspection of vacant buildings."[592]

While PULSE's vacant status is supposedly what prevented the City from conducting an inspection of its code violations after one of the deadliest crimes in U.S. history, it did not stop former Orlando Police Chief John Mina and Mayor Buddy Dyer from entering the building together on Tuesday, July 12, 2016. Mina, going inside PULSE for the first time, stated that he wanted "to get a feel for the layout and see for [himself] where officers were positioned during the incident." Given that the Police Chief was able to enter the vacant building for his first time a month later and for his own personal inquiry before it was handed back to the Pomas, **there is no reason why a City Inspector could not have done the same to document the full extent of code violations at PULSE.**

Cancelling Fire Marshal Tammy Hughes' inspection appears to be the City's first attempt to conceal its own negligence and culpability. Did anyone else from the City, other than Mayor Buddy Dyer, accompany Mina on his tour of the PULSE building? Why did the City not have code enforcement go in PULSE at this time when other City officials were touring the building to supposedly make sense of the crime and response, or to make sure it was safe to enter? City officials, including City Attorney Mayanne Downs, made public statements that the building was inspected because they worried that the building might have been structurally unsafe. The reporting documents:

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[589] Email sent on June 9, 2023, with the Subject: CASE NUMBER 2023-205852.

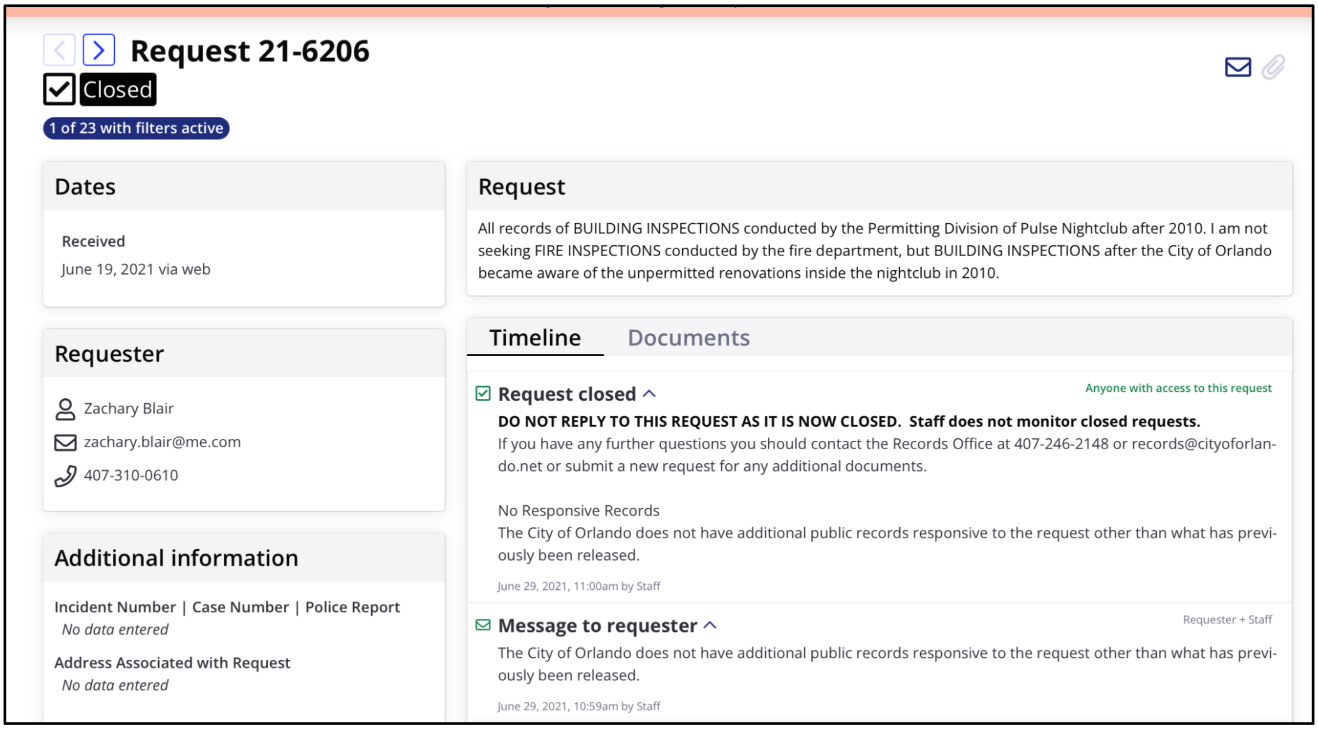
[590] See, Tammy Hughes and Fire Department Chief Roderick Williams email, sent on Sunday June 12, 2016, at 12:34 PM with the Subject Line: 1912 S. Orange Ave, which states, "However, once the scene is safe I will have Fire Marshal Tammy Hughes evaluates [sic] the facility to ensure that it was in compliance with all applicable codes." Appendix H. Pg. 177.

[591] Request 20-5791.

[592] Request 20-2038.

> *Legal issues surrounding the incident even extended to building and safety codes weeks after the tragedy, Downs said. When the building was inspected, the city felt it was structurally unsafe because of the number of bullet holes.*[593]

If there were legal issues surrounding the building and safety codes in 2017, Downs and City attorneys were the only ones who knew about them because victims' families and survivors were not aware of them.



Request 21-6206

☑ Closed

Dates

Received
June 19, 2021 via web

Request

All records of BUILDING INSPECTIONS conducted by the Permitting Division of Pulse Nightclub after 2010. I am not seeking FIRE INSPECTIONS conducted by the fire department, but BUILDING INSPECTIONS after the City of Orlando became aware of the unpermitted renovations inside the nightclub in 2010.

Requester

Zachary Blair
zachary.blair@me.com
407-310-0610

Additional information

Incident Number | Case Number | Police Report
No data entered

Address Associated with Request
No data entered

Request closed

Anyone with access to this request

DO NOT REPLY TO THIS REQUEST AS IT IS NOW CLOSED. Staff does not monitor closed requests.
If you have any further questions you should contact the Records Office at 407-246-2148 or records@cityoforlando.net or submit a new request for any additional documents.

No Responsive Records
The City of Orlando does not have additional public records responsive to the request other than what has previously been released.

June 29, 2021, 11:00am by Staff

Message to requester

Requester + Staff

The City of Orlando does not have additional public records responsive to the request other than what has previously been released.

June 29, 2021, 10:59am by Staff

Request 21-6206: A request for all building inspections. The City of Orlando responded with, "No Responsive Records." To date, there is no documentation that the City ever conducted a building inspection of PULSE.

There is evidence that people believed that inspections were going to and did take place to document code violations. However, the City has repeatedly stated that no records exist of any such inspection across multiple records requests.[594] Thus, it appears that the City had no intention of collecting evidence against Rosario Poma and Barbara Poma or acknowledging its own role in allowing the business to operate with code violations and unpermitted renovations for years. Or it is quite possible that there are additional hidden inspection records the City continues to deny and keep from the public?

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[593] Max Marbut, "Orlando City Attorney Reflects on Pulse Nightclub Shooting," Jax Daily Record, Sept. 25, 2017, https://www.jaxdailyrecord.com/news/2017/sep/25/orlando-city-attorney-reflects-on-pulse-nightclub-shooting/.

[594] See Request No. 22-1290, 21-6738, 20-5791, and 22-942, to name a few.

The City's apparent indifference to the fact that 49 people were murdered, dozens more were injured, and countless others were traumatized after becoming trapped within unpermitted and illegally modified portions of the building reflects a profound dereliction of governmental responsibility. That disregard began in the immediate aftermath of the shooting, continued through the City's narrowly constrained 2023–2024 "investigation," and persists to this day.

Rather than thoroughly documenting violations, preserving evidence, and objectively investigating the nightclub's conditions and the City's own regulatory failures, officials repeatedly relied on the purported absence of documentation and purported "insufficient evidence" as a basis to dismiss or minimize legitimate concerns. Yet the City has continued to maintain these positions even when confronted with contradictory evidence, including its own photographs, internal communications, inspection records, and planning documents. To the extent officials knowingly concealed, disregarded, or failed to meaningfully investigate material evidence relevant to criminal conduct in one of the deadliest mass shootings in the country, code violations, governmental liability, or public safety failures, such actions raise serious concerns regarding official misconduct, obstruction, and neglect of public duty under Florida law.

In 2023, when we learned that the onePULSE Foundation was leasing the PULSE building from the Pomas, using it as storage, and allowing people to go in and out of the building, we submitted complaints to the City for them to again inspect the building since it was no longer vacant. Within the City's two-day time frame for inspection, per its own policy, the onePULSE Foundation quickly and unexpectedly terminated its lease with the Pomas rendering the building once again vacant.[595] This gave the City reason to again refuse to inspect PULSE and it became public that the City allowed the nonprofit to operate the interim memorial with an expired Temporary Use Permit—a year after it expired.[596] Thus, the City once again avoided meaningful inspection and enforcement while allowing Barbara Poma, through her nonprofit organization, to continue operating outside the scope of the City's own permitting requirements and regulatory standards.

The City of Orlando again evaded the inspection of PULSE after it announced that it was going to allow victims' families and survivors inside the building in 2025. We requested an inspection to ensure the building was safe to enter and even offered to pay for an independent inspection. The City refused to inspect and refused our offer. This was covered by multiple local media networks.[597]

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[595] https://www.fox35orlando.com/news/onepulse-foundation-terminates-lease-with-owners-of-pulse-nightclub-property; Also see Service Request 18753, Code Enforcement, City of Orlando.

[596] https://www.wftv.com/news/local/temporary-use-permit-interim-pulse-memorial-expires/Y5KVKRX6CRH57E4XPW5ERATDTU/; Also see Service Request 19734, Code Enforcement, City of Orlando and Email from September 5, 2023, between Zachary Blair and codeenforcement@orlando.gov, Subject: "Update for Service Request 19734," City of Orlando. Also, email sent on July 20, 2023, from Zachary Blair to Digital Permits (City of Orlando), Subject: "Service Request # 18-753."

[597] See, https://www.fox35orlando.com/news/pulse-advocacy-group-offers-pay-independent-building-inspection-ahead-club-walkthrough; https://www.fox35orlando.com/news/pulse-massacre-survivor-has-concerns-over-building-safety-ahead-proposed-club-walkthrough; https://www.wftv.com/news/local/families-pulse-victims-angered-over-waiver-requirement/WFMSU5N63BFJZMXJF7RWFDKUN4/; https://www.wftv.com/news/local/pulse-massacre-survivors-victims-

For example, OPD investigators also did not conduct a formal building inspection, did not meaningfully document physical evidence inside the PULSE building independent of our own findings, and did not undertake the type of forensic or regulatory review that would ordinarily accompany allegations involving unlawful construction, occupancy violations, or life-safety hazards connected to a mass-casualty event. The questions posed to survivors, victims' families, and complainants further suggest that investigators had little intention of seriously pursuing an investigation of allegations made against the Pomas, the City or the onePULSE Foundation.

In fact, OPD investigators even claimed they were unable to interview victims and survivors who lived outside the U.S. neither by telephone nor other remote means. Such explanations are difficult to reconcile with modern investigative practices, particularly given the widespread availability of long-distance calling, video conferencing, and secure online communications platforms that are routinely used in contemporary law enforcement investigations. In short, the OPD's investigation lacked the fundamental investigative rigor and left substantial evidentiary gaps and numerous critical issues unresolved.

Multiple Conflicts of Interests, Market Manipulation and Potential

In addition to covering up the City's own negligence and culpability, the Office of the Mayor has another reason for concealing the facts: their own personal connections to alleged fraudulent activity, unethical behavior, profiting off the tragedy, the wanton waste of taxpayer money, political gain, and glaring conflicts of interest.

The relationships between City officials, the nightclub's owners, and associated legal representatives further complicate the narrative. **Barbara Poma**, co-owner of Pulse Nightclub, and her husband Rosario Poma—a self-proclaimed restaurateur—operated a barbecue restaurant within Orlando's City Hall, indicating a direct and longstanding business relationship with the City.

Prior to the shooting, someone else claimed part ownership of the PULSE nightclub. Ron Legler, who was an employee of Rosario Poma and the self-identified "gusband" of Barbara Poma, claimed he came up with the idea for PULSE, creating the logo, and pitching the idea for a "martini bar and ultra lounge" to the Pomas.[598]

This was chronicled in *Watermark*, which states: "The original concept of Pulse was the brainchild of Legler. A New York transplant, he was acutely aware of the lack of upscale gay bars in Orlando."

This contradicts many of Barbara Poma's claims over the years, including that she created PULSE in

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families-be-granted-site-visit/KZN6POOI7BAXJL3UMECNZWSP5Y/; and https://www.wftv.com/news/local/parkland-father-offers-advice-pulse-victims-families-upcoming-visit-site/URRXOYUKTZHZJBDJPG6R3PYMLY/.

[598] "Looking Back on gay nightclub that almost wasn't; looking forward after a massacre," Alma J. Hill, *Watermark*, June 8, 2017. https://watermarkonline.com/2017/06/08/looking-back-on-a-gay-nightclub-that-almost-wasnt-looking-forward-after-a-massacre/

memory of her gay brother, John Papaleo, who died of AIDS in 1991. According to *Watermark*, it was not until later that Poma dedicated the space to her brother.

Holding back tears, she told her version of the nightclub's origins to Matt Lauer on the *Today Show* two days after the shooting on June 14, 2016, during what was her biggest and most sensationalized media appearance.[599] "A few years later, she thought about opening the Pulse to provide 'a safe place' for the gay community, a place where they could proudly bring their parents."

Poma said the nightclub's name, PULSE, was chosen "because it has to do with your heartbeat, because it has to do with your life, and we just wanted to keep the heartbeat alive."

However, public records show that prior to PULSE's opening, the business had multiple possible names, including Impulse. Rosario Poma named the LLC that owned PULSE after its address, 1912 Orange Avenue, LLC, giving them flexibility in what they would call the nightclub that was only approved by the City to operate as a martini bar and restaurant.

Watermark also documented that the Pomas provided a large portion of the financial backing for PULSE through their success with other restaurants including Wildside's Bar and Grill and Panino's Italian Restaurant—all of which have since shut down.

This contradicts the story that Rosario Poma and Barbara Poma sold to the City and the public years after the shooting, when they claimed that their friend Michael Panaggio provided financial support and was, therefore, made part owner of the nightclub in 2018—two years after the shooting and 14 years after the nightclub's opening. Panaggio told the *New York Times* that making him part-owner of the nightclub through one of two new LLCs "acknowledged a loan he had made to the Pomas when they started the Pulse nightclub."[600]

More importantly, Panaggio—a Daytona businessman—told the *New York Times* in 2019, "I don't care if I get any money back as long as their [the Pomas'] dream comes true."[601]

It is more likely they added Panaggio as a co-owner of the PULSE property in an effort to further protect their investment while victims/survivors sue for premise liability and security negligence, which is what is alleged in the ongoing civil lawsuit. It is important to remember that Panaggio was not part of any of the initial talks and negotiations with the City to purchase the property back in 2016, in the months after the shooting, when the Pomas wanted $4M for the nightclub so that the City could build a public memorial.

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[599] "Orlando nightclub owner describes the moment she heard about the massacre," Run Kyung Kim, *Today Show*, June 14, 2016. https://www.today.com/news/orlando-nightclub-owner-describes-moment-she-heard-about-massacre-t98136

[600] "At Pulse Shooting Site, a Plan to Remember Renews Pain for Some," Graham Bowley, *New York Times*, December 15, 2019. https://www.nytimes.com/2019/12/15/arts/pulse-shooting-memorial-plan-renews-pain-for-some.html

[601] https://www.nytimes.com/2019/12/15/arts/pulse-shooting-memorial-plan-renews-pain-for-some.html

The Pomas' story also changed after Barbara Poma was kicked out of the onePULSE Foundation, the nonprofit she started and ran as Executive Director. The Pomas claimed that they could not donate the property to their own nonprofit because the co-owner they added after the shooting wanted a return on his supposed investment, which the Pomas provided zero proof of and which was never brought to the table in any other prior discussions about the sale/purchase of the property.[602]

The conflicts of interest were too significant to continue to ignore**, as Barbara Poma owned the nightclub property that her organization was paying for and improving through donations.** Furthermore, the civil lawsuit was never dropped, as she likely expected since she publicly called the lawsuit "frivolous" prior to our own research into the public records.

The Board of the onePULSE Foundation ignored these conflicts for years, **allowing Barbara Poma to siphon off funds to pay for her own property (which she would later sell to the City for $2M and for which she received a $1.3M insurance payout),** despite the fact that this was a clear violation of the nonprofit's own conflict of interest policy, **as well as federal IRS laws prohibiting private inurement.**

But there came a time in 2022 when the nonprofit could not continue to ignore these glaring conflicts of interest as we began making these issues public, through our years-long organizing efforts through the Community Coalition Against a Pulse Museum (CCAPM). On June 28, 2022, the onePULSE Foundation announced that it hired a new Executive Director, Deborah Bowie, and demoted Barbara Poma to "keeper of the story."[603]

It is during this time that Barbara Poma's intentions to sell—and not donate—the PULSE property to her own nonprofit became clear. This spurred Pomas' ouster and less than a year later, it became clear that the organization could not fulfill its mission or the promises it made to the public to build a memorial.[604]

Protecting what was left of Barbara Poma's fragile public reputation, the Pomas released a public statement claiming that the reason they could not donate the PULSE property to Pomas' own nonprofit is because the third owner refused to donate the property for a memorial. The third owner, was Michael Panaggio, who they added to one of the two LLC's (1299 SIA, LLC) that they sold PULSE to for $1.00 dollars via quit claim deed and who a year earlier told the *New York Times* he did not want any money from the Pomas or PULSE.[605]

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[602] https://www.wesh.com/article/pulse-owners-memorial/43786588; https://www.news-journalonline.com/story/news/2023/10/19/volusia-connection-daytona-businessman-is-one-of-pulse-sites-sellers/71241583007/; https://www.wftv.com/news/onepulse-foundation-founder-says-pulse-donation-holdout-was-business-partner-silent-investor/CIKWURFA4ZHWJMMY7GSETJS2EY/.

[603] "onePULSE hires new executive director; plans to buy Pulse site from owner," Karla Ray, *WFTV*, June 28, 2022, https://www.wftv.com/news/9investigates/onepulse-has-new-executive-director-its-critics-remain/ZCOCUPDKPRBL7MTCUNE46Z7MUY/.

[604] "Pulse nightclub owner steps down from the onePULSE Foundation," *WESH 2*, April 4, 2023, https://www.wesh.com/article/pulse-owner-quits/43511273.

Again, the historical chronology of events and past statements made by the Pomas makes it appear that Panaggio, their long-time friend, was only added as an owner of the PULSE property in October of 2016 to safeguard the value of the property for the Pomas. He was willingly used again to get additional funds for the Pomas through the sale of the property to the City of Orlando in 2023 for $2M. We do not know how much money, if any, Panaggio got from this sale.[606] The Special Warranty Deed was signed by both Rosario Poma and Michael Panaggio on October 27, 2023, transferring the property to the City of Orlando.[607]

It is worth noting that the ownership of the property was repeatedly and publicly called into question and was even a central issue in the ongoing civil premises liability and security negligence lawsuit. Keith Altman, lawyer for the PULSE victims/survivors who are suing, has repeatedly claimed that this property transfer is illegal and constitutes an attempt by the Pomas to conceal assets from victims/survivors.[608] The City Council, the Pomas, and Panaggio ignored this and transferred the property to the City of Orlando.

This significant allegation made against the Pomas exposes their intention to secure their own financial gain.

When PULSE opened, it was owned solely by Rosario Poma as indicated in the Articles of Incorporation that were filed on May 19, 2003, for the LLC named after PULSE's address: **1912 Orange Avenue, LLC**. Between 2003 and 2022, neither Barbara Poma or any other "owner" (including **Michael Panaggio** or **Ron Legler**) is named in any annual filings pertaining to this business.

These articles were registered with the State of Florida on October 13, 2016. The registered agent was **Robert Underwood**, an attorney who specializes in taxation and business transactions.[609] Robert Underwood continued to be the same Registered Agent on all filings for 1912 Orange Avenue, LLC until March 18, 2016.

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[605] "At Pulse Shooting Site, a Plan to Remember Renews Pain for Some," Graham Bowley, *New York Times*, December 15, 2019. https://www.nytimes.com/2019/12/15/arts/pulse-shooting-memorial-plan-renews-pain-for-some.html; Also see, https://www.wesh.com/article/complaint-filed-against-pulse-co-owners/27350088; https://mynews13.com/fl/orlando/news/2019/05/02/pulse-lawsuit-adds-attorneys--alleges-illegal-sale-of-club; and https://www.orlandosentinel.com/2019/05/02/pulse-owners-illegally-transferred-nightclub-to-hide-value-from-massacre-victims-lawsuit-claims/.

[606] "Orlando reaches agreement to buy Pulse nightclub property, mayor's office says," Yvette Sanchez, Spectrum 13, October 18, 2023, https://mynews13.com/fl/orlando/news/2023/10/18/orlando-reaches-agreement-to-buy-pulse-nightclub-property--mayor-s-office-says.

[607] DOC #TN5029764, Orange County Property Appraiser.

[608] See October 23, 2023 City Council Meeting/Workshop where Keith Altman spoke publicly and advised the City not to purchase the nightclub property from the Pomas because the ownership of the property was in question and part of the civil lawsuit; "Pulse owners illegally transferred nightclub property to hide value from massacre victims, lawsuit claims," David Harris, *Orlando Sentinel*, May 2, 2019, https://www.orlandosentinel.com/2019/05/02/pulse-owners-illegally-transferred-nightclub-to-hide-value-from-massacre-victims-lawsuit-claims/.

[609] See Underwood and Roberts, PLLC: https://www.rlulaw.com/about/

On the Annual Report filed four months later, on July 11, 2016, the Pomas' personal lawyer, **Gus Benitez**, replaced Robert Underwood as the Registered Agent and remained the Registered Agent until the most recent Annual Report filing with the Secretary of State on March 12, 2024.

Almost exactly four months after the mass shooting and three months after the nightclub was released back to the owner,[610] on October 13, 2016, Rosario and Barbara Poma created two new nondescript LLCs, named **1299 SIA, LLC** and **71495 RBP, LLC**.

These incorporation filings registered with the State of Florida also listed Robert Underwood as the Registered Agent**, however, this documentation for the two new LLCs were signed** by an authorized representative by the name of **Jennifer Urban.** We know, from LinkedIn, that **there is a Jennifer Urban who works as an Administrative Staff Assistant at Fleet & Facilities Management Divisions with the City of Orlando[611].** According to her Experience, she began working for the City in July 2016 as a Parts Specialist. If this is the same person, we ask, **why would a City employee sign these documents to allegedly illegally transfer the PULSE nightclub property? Especially when, at the time, the City was trying to purchase the nightclub property from the Pomas?**

Unlike the original business that owned PULSE, both Barbara and Rosario Poma were listed on the new LLCs. This happened as Barbara Poma became the face of the shooting, after her national interview with Matt Lauer on the Today show.[612]

Less than a month after these LLCs were created, on November 4, 2016, the Pomas transferred the PULSE property at **1912 South Orange Avenue** to these two businesses via Quit Claim Deed. On the Quit Claim Deed, Rosario Poma is listed as the "Sole Manager."

The Quit Claim Deed was drawn up by the Pomas' lawyer, **Gus Benitez**, and signed by Rosario Poma, Gus Benitez, and his niece **Aly Benitez**. In addition to being a witness, Gus Benitez also notarized the deed. **No one else signed the deed transferring the PULSE property. Not Barbara Poma. Not Ron Legler. Not Michael Panaggio.**

Later, the Pomas would claim that their friend Michael Panaggio owned a stake in the property, yet his name appears nowhere in the documentation until years later when he was added as a Manager to one of the LLCs following civil litigation in which the property was named as an asset.

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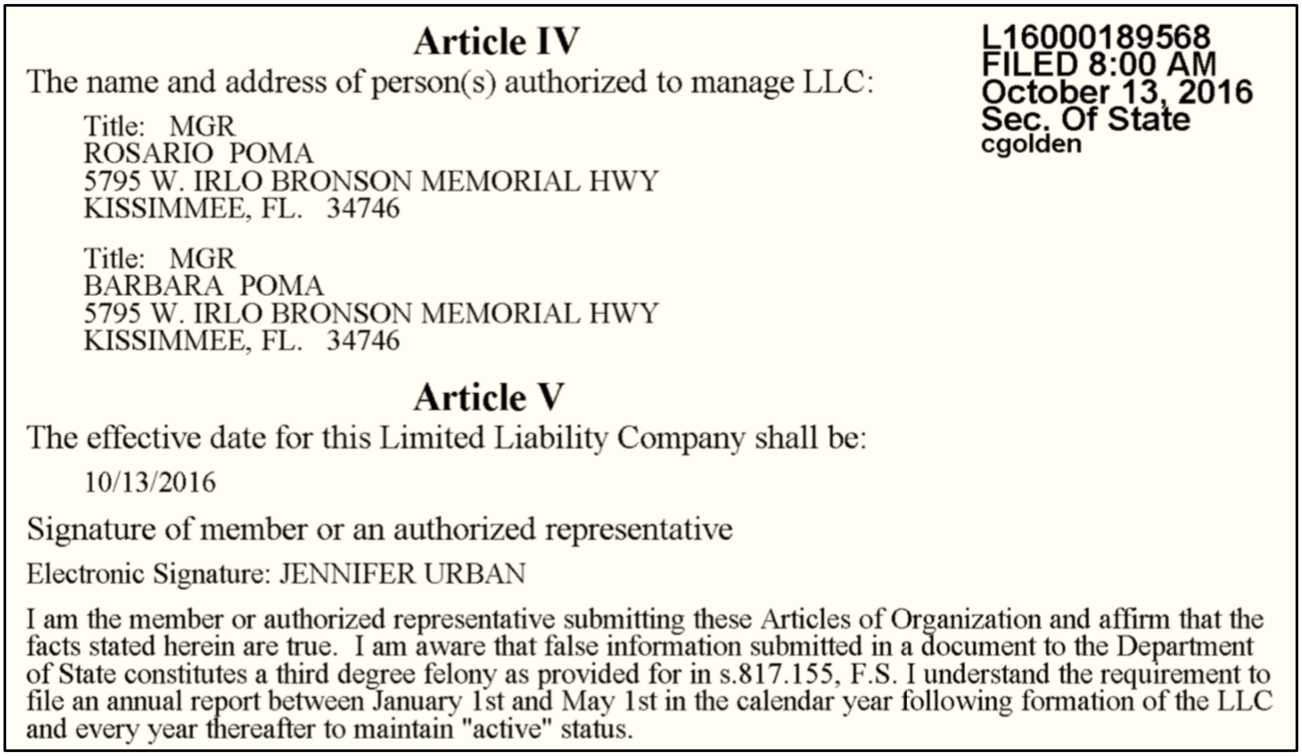
[610] See, "Pulse Nightclub Released Back to Owner After Mass Shooting Investigation" (*ABC News*), July 13, 2016. https://abcnews.go.com/US/pulse-nightclub-released-back-owner-mass-shooting-investigation/story?id=40556905

[611] See LinkedIn profile for Jennifer Urban, here: https://www.linkedin.com/in/jennifer-urban-a05228132/?utm_source=share&utm_campaign=share_via&utm_content=profile&utm_medium=ios_app

[612] See: "Orlando nightclub owner describes moment she heard about massacre" by Eun Kyung Kim (Today), Jun 14, 2016. https://www.today.com/news/orlando-nightclub-owner-describes-moment-she-heard-about-massacre-t98136



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FILED 8:00 AM
October 13, 2016
Sec. Of State
cgolden

Article IV

The name and address of person(s) authorized to manage LLC:

Title: MGR
ROSARIO POMA
5795 W. IRLO BRONSON MEMORIAL HWY
KISSIMMEE, FL. 34746

Title: MGR
BARBARA POMA
5795 W. IRLO BRONSON MEMORIAL HWY
KISSIMMEE, FL. 34746

Article V

The effective date for this Limited Liability Company shall be:

10/13/2016

Signature of member or an authorized representative

Electronic Signature: JENNIFER URBAN

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.

Page 2 of the Articles of Organization for 1299 SIA, LLC: One of two LLCs created by Rosario Poma and Barbara Poma four months after the mass shooting—that was filed with the State of Florida. Accessed via the Division of Corporations. This filing shows Jennifer Urban signed the registration documentation, just as she did for the Pomas' other LLC formed four months after the shooting 71495 RBP, LLC. The PULSE property was transferred, allegedly illegally to shield the asset from suing victims, via a Quit Claim Deed to these two LLCs for $1.00.[613]

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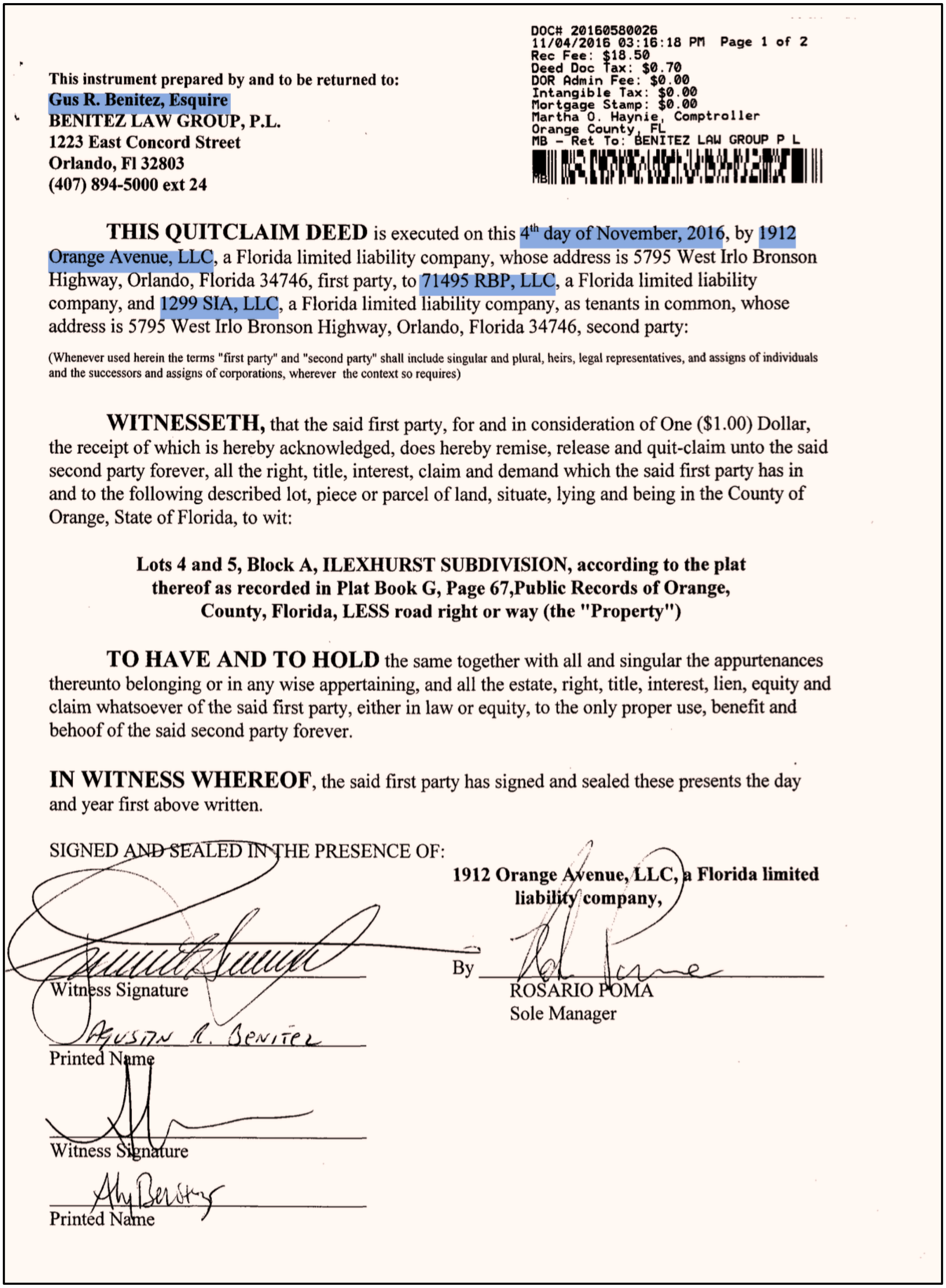
[613] https://dos.fl.gov/sunbiz/.



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11/04/2016 03:16:18 PM Page 1 of 2
Rec Fee: $18.50
Deed Doc Tax: $0.70
DOR Admin Fee: $0.00
Intangible Tax: $0.00
Mortgage Stamp: $0.00
Martha O. Haynie, Comptroller
Orange County, FL
MB - Ret To: BENITEZ LAW GROUP P L

This instrument prepared by and to be returned to:
Gus R. Benitez, Esquire
BENITEZ LAW GROUP, P.L.
1223 East Concord Street
Orlando, Fl 32803
(407) 894-5000 ext 24

THIS QUITCLAIM DEED is executed on this 4th day of November, 2016, by 1912 Orange Avenue, LLC, a Florida limited liability company, whose address is 5795 West Irlo Bronson Highway, Orlando, Florida 34746, first party, to 71495 RBP, LLC, a Florida limited liability company, and 1299 SIA, LLC, a Florida limited liability company, as tenants in common, whose address is 5795 West Irlo Bronson Highway, Orlando, Florida 34746, second party:

(Whenever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals and the successors and assigns of corporations, wherever the context so requires)

WITNESSETH, that the said first party, for and in consideration of One ($1.00) Dollar, the receipt of which is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Orange, State of Florida, to wit:

Lots 4 and 5, Block A, ILEXHURST SUBDIVISION, according to the plat thereof as recorded in Plat Book G, Page 67,Public Records of Orange, County, Florida, LESS road right or way (the "Property")

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in any wise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written.

SIGNED AND SEALED IN THE PRESENCE OF:

1912 Orange Avenue, LLC, a Florida limited liability company,

By ______________________
ROSARIO POMA
Sole Manager

____
Witness Signature

Agustin R. Benitez
Printed Name

____
Witness Signature

Aly Bersting
Printed Name

Quit Claim Deed: Showing the Pomas sold the property to themselves through two new LLCs immediately following the shooting for $1.00.

It is also important to highlight that **the *Watermark* article also shows how close the Pomas were to the Orlando Mayor Buddy Dyer** who pushed the City Council to purchase the nightclub property from them for more than its market value as evident during the Oct. 23. 2203 City Council Meeting and workshop When PULSE was told by the City to halt operations and that they could not open as planned during Gay Days in 2004, Mayor Buddy Dyer offered the rotunda of City Hall as a space for the Pomas to hold their planned kick-off party. Dyer came to the event and spoke, while also allowing the Pomas to serve liquor on City property. A month later, on July 2, 2004, PULSE officially opened.[614]

Barbara Poma also claimed in the 2016 *Watermark* article that "what we built worked" and that she wanted to open a new nightclub and replicate PULSE after the shooting. However, public records show that prior to the shooting the Pomas claimed to have been strapped for cash and unable to afford life safety equipment and other improvements required by the City of Orlando.[615] Orlando gay nightclubs are not known to be lucrative business endeavors and the Pomas never really tried to re-open a PULSE nightclub elsewhere, despite her public claims. In 2016 and in defense of her request for $4M from the City of Orlando for the PULSE property, Barbara Poma stated, "We're not profiting off this at all. Along with any other business, there's debt. That's what the money here will fund to do, is create a new Pulse."[616] However, as time would tell, this was just another public relations stunt that made national headlines and falsely positioned her as an integral ally in the LGBTQ+ community.[617]

The facts surrounding the City of Orlando's purchase of the PULSE Nightclub property from the Pomas for $2M—more than double its market value—suggests that the City and Rosario Poma colluded to manipulate the real estate market and put millions of taxpayer dollars into the pockets of the Pomas after years of exploiting PULSE victims/survivors, as well as donors and taxpayers, through the onePULSE Foundation. Both appraisals appear to be based on unchecked, false presumptions based on untrue information about the PULSE property by Rosario Poma, as well as the fact that the second appraisal report was completed days AFTER the City of Orlando purchased the PULSE property.

City records show that the City hired Pinel and Carpenter, Inc. who partially inspected the property on October 3, 2023. This appraiser conducted a "restricted" appraisal of the PULSE property based on "general underlying assumptions" and "limiting conditions."[618]

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[614] "Looking Back on gay nightclub that almost wasn't; looking forward after a massacre," Alma J. Hill, *Watermark*, June 8, 2017. https://watermarkonline.com/2017/06/08/looking-back-on-a-gay-nightclub-that-almost-wasnt-looking-forward-after-a-massacre/

[615] "Looking Back on gay nightclub that almost wasn't; looking forward after a massacre," Alma J. Hill, *Watermark*, June 8, 2017. https://watermarkonline.com/2017/06/08/looking-back-on-a-gay-nightclub-that-almost-wasnt-looking-forward-after-a-massacre/

[616] "Former Pulse Nightclub owner received over $1M insurance payout months after shooting," Ashlyn Webb, WFTV, March 19, 2024, https://www.wftv.com/news/local/former-pulse-nightclub-owner-received-over-1m-insurance-payout-months-after-shooting/.

[617] "Pulse nightclub to reopen in a new location," *WFTS* (ABC Action News), August 30, 2017, https://www.abcactionnews.com/news/state/pulse-nightclub-to-reopen-in-a-new-location.

[618] Restricted Appraisal Report, Pulse Nightclub, Pinel & Carpenter, Inc., November 1, 2023, City of Orlando.

The appraisal, which was completed on November 1, 2023—a week *after* the City Council voted to purchase the PULSE property—noted that it was based on the presumption that "building and site improvements" were "structurally sound and constructed in a good and workmanlike manor" and that the building was appraised without a specific compliance survey. The appraisal also noted that, "…improvements were originally constructed in 1957 and have been renovated and remodeled multiple times over the years. The most recent major renovation was reportedly completed in 2006, when the property was converted to its former use as a nightclub and bar." Both the City and the nightclub owners knew this was not true, with unpermitted work done to the building in 2009 according to the City's own documents.

These appraisers valued the property at **$1,850,000.00** to **$1,965,000.00**, claiming that the building as having 4,499 gross leasable square feet and ignoring the condition of the neglected building. The appraisal also stated:

> *As of the Date of Value, October 3, 2023, the improvements have been closed in the Pulse Nightclub following the mass shooting in 2016. Although an interior inspection was not possible, it is reported the building contains approximately 4,499± gross square feet of leasable area. The second floor consists of a mezzanine area split into two 15' x 15' offices. The total mezzanine office space was reported at approximately 450 square feet. The leasable area has been estimated via discussions with the owner and information contained in the Orange County Property Appraiser's records.*
>
> *The owner reported to have spent upwards of $2,200,000 in renovations at the club since it was acquired in February of 2005. Improvements included a new exterior building façade, a $250,000 sound system, new floor and wall coverings, attached, immovable furniture and bar fixtures, and bathroom renovations. The total capacity was reported to be 324 to 425 patrons inside, plus capacity for an additional 100+ outdoor patrons.*
>
> *There were two large bathrooms along the western perimeter with a total 19 fixtures. An additional two fixture restroom was located near the main entrance at the southeast corner of the building. There are two bars in the interior and one along the northeast exterior wall, with each being equipped with a sink. Additional improvements include a 16'x 8' walk-in cooler/freezer combo.*

So, in other words, the owner (Rosario Poma) reported that the club had a total capacity of 324 to 425 with another 100+ possible.

There are no permits for any of these improvements, but this is ignored by the appraiser. The second-floor offices were also unpermitted and, as we know from the plight of survivors who were trapped in the building's unpermitted second-floor spaces, there were no windows or rooftop exits, which would be required had there been a legitimate second floor inside PULSE. **Remember, during one of the PULSE Memorial Advisory Committee meetings, designers hired by the City of**

Orlando confirmed that PULSE was, in fact, only one-story and that the Orange County Property Appraiser, who doesn't inspect buildings, had the wrong information listed on its website. There is no mention of the holes in the building made by explosive devices and a Bear Cat during the shooting that remain on the north side of the building. The reported capacity was also untrue. The parking lot also did not have 11 spaces due to the unpermitted patio.

What is disturbing about this is that Rosario Poma used the same issues surrounding code violations and unpermitted renovations that we have documented to have increased death and injury at the nightclub to further profit—even as he and his wife (via their LLC) continue to be sued in civil court for premise liability and security negligence. Furthermore, Poma's false claim that the nightclub had a capacity of over 525 also provides further support for evidence that shows the nightclub frequently operated over capacity—as its documented occupancy load limit on file with the City was 299.

The appraiser also claimed that the building and its improvements "have been closed in the Pulse nightclub following the mass shooting in 2016" and that an interior inspection "was not possible." However, the City has been planning for months to open the building to PULSE shooting victims' families and survivors for a final walk-through public relations stunt slated for the week of June 9, 2025—inviting victims inside without conducting a building inspection to ensure their safety. Pulse Families and Survivors for Justice offered to pay for an independent building inspection, however, the City refused to respond to multiple requests and follow-ups via email made by both the media and victims/survivors. If the City can open up the PULSE building to victims/survivors in June 2025, there is no reason why the building could not have been accessed in 2023 for a more accurate appraisal.

If the City was interested in being the fiduciary for Orlando taxpayers, the Office of the Mayor could have also disclosed the known unpermitted renovations and numerous code violations to the appraiser to lower the appraised value, so it more accurately reflected the true value of the property. Yet, Mayor Buddy Dyer was eager to give the Pomas $2M for the property and push the real estate transaction through as quickly as possible.

City Commissioner Jim Gray, during the October 23, 2023, workshop and City Council meeting, **even said that this appraisal and the Mayor were misleading and that the City was really only buying the land due to the condition of the building and the fact that it was going to be demolished for a memorial. The land, which the appraisal supports, was worth closer to $700,000.00.** Gray, who has been in commercial real estate for years, publicly stated it was likely worth less due to the massacre.

During the workshop and Council Meeting, the Mayor (supported by Commissioners Regina Hill, Patty Sheehan, and Tony Ortiz) feigned certainty that purchase would be reimbursed by donations—so that the financial cost of the PULSE property would not be paid on the backs of the Orlando taxpayer. However, the City has not been able to fundraise anywhere near the $2M purchase price. As of March 12, 2025, the City has only raised $148,294.56, which included race proceeds of $148,213.61 and individual donations of $180.86.[619]

This 2023 appraisal resembled prior appraisals where Rosario Poma provided inaccurate information about the facts surrounding the property—increasing the appraised value—and where the hired appraiser failed to do their due diligence in evaluating the nightclub building. Comparable sales also do not reflect the value given to the PULSE nightclub.

On November 7, 2017, Clayton, Roper, and Marshall were hired to conduct an appraisal of the building when the City of Orlando was set to purchase the building immediately following the shooting. This appraisal as set up between the City and the Pomas' lawyer, Gus Benitez.[620]

Again, this appraisal notes:

> The appraisal has been prepared subject to the following ***Extraordinary Assumption:***
>
> ***We were unable to inspect the interior of the subject property as of the date of value or subsequent to the date of value. We have, therefore, assumed the interior of the property to be in good working order and in good condition and that the interior improvements are as discussed herein.***

They also valued the land at **$700,000.00** and appraised the property to be worth **$1,680,000.00**.

This appraiser also received the same information, nearly word for word along with outdated photos of the nightclub's interior, from Rosario Poma and stated:

> *The subject site is currently improved with a freestanding, masonry bar/nightclub building that was built in 1957 and remodeled for its current use in 2005. As of the Date of Value, June 1, 2016, the improvements were operated as the Pulse Nightclub. The building contains approximately 4,499± gross square feet of leasable area.*
>
> *The second floor consists of a mezzanine area split into two 15' x 15' offices. The total mezzanine office space was reported at approximately 450 square feet. The leasable area has been estimated via discussions with the*
>
> *owner and information contained in the Orange County Property Appraiser's records. The building appeared to have an effective age of about 10-15 years with a remaining economic life of about 20-25 years. As noted earlier in this report we did not inspect the interior of the*

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[619] Request 25-4233. The City previous stated that the revenue from the CommUNITY Rainbow Run was $147,881.19 with expenses of $92,916.15 for net proceeds totaling $54,954.04. So, the City has only raised 2.75% of what it has spent to date for the PULSE memorial project. See email between Pulse News and Zachary Blair, June 25, 20224, Subject: Re: Net Proceeds from the Community Rainbow Run, City of Orlando.

[620] Email, November 15, 2016, Clayton B. Green, Gus Benitez, and Laurie J. Botts, Subject: Re: 1912 S. Orange Avenue Commercial Contract, Attachment: Pulse Appraisal.pdf, City of Orlando.

improvements as of the effective date of the appraisal.

We have relied on representative photographs of the interior found from public sources online. We assume these photographs to be good representations of the interior. We also interviewed the property owner, Mr. Rosario Poma, who assisted with the description of the improvements.

The owner reported to have spent upwards of $2,200,000 in renovations at the club since it was acquired in February of 2005. Improvements included a new exterior building façade, a $250,000 sound system, new floor and wall coverings, attached, immovable furniture and bar fixtures, and bathroom renovations. The total capacity was reported to be 324 to 425 patrons inside, plus capacity for an additional 100+ outdoor patrons.

There were two large bathrooms along the western perimeter with a total 19 fixtures. An additional two fixture restroom was located near the main entrance at the southeast corner of the building. There are two bars in the interior and one along the northeast exterior wall, with each being equipped with a sink.

Additional improvements include a 16'x 8' walk-in cooler/freezer combo. We have provided a rough floor plan on the next page for a visual representation of the interior layout.

The subject only has 11 striped vehicle parking spaces situated on the site. To account for this deficiency, the owner had entered into an agreement with the westerly adjacent medical office to allow for the medical office to park at the subject during the daytime and allowing the subject to use their parking during the evening.

Additionally, the subject owner leases parking from the northerly adjacent window tinting business, at a rate of $900 month, for valet parking during the evening hours. We were not provided a copy of either parking agreement but did verify the Valet parking agreement with the window tinting company's owners.

***Overall Summary of Condition, Functional Utility, and Desirability of the Building**: The building is considered to be in good condition for its age and when compared to similar properties in the neighborhood.*

The building is considered to have impaired but reasonable functional utility given the construction quality, maintenance, the age of the structure, and a low parking ratio.

Comparable sales used by this appraiser were not comparable to the PULSE nightclub building, with many being large, legitimate downtown office buildings including the historic train depot located on Church Street and other historic downtown office buildings that had legitimate and permitted offices—not two makeshift rooms in an attic accessible only by ladder. They were also centrally located downtown and not in the gentrifying SODO are south of Kaley Street.

The appraisal was also based on "general assumptions" that the building was in "full compliance

with applicable federal, state, and local environmental regulations and laws" and that "all applicable zoning and use restrictions have been complied with." The appraisers did not look at the public records that showed Pulse was in violation of multiple codes and regulations, as well as rife with unpermitted modifications to the building. **The City also made no attempt to correct the appraisal, when it knew of the code violations, unpermitted renovations and Poma's misrepresentation of the property.**

Why did the City accept these inflated and unsubstantiated appraisals that were knowingly informed by Rosario's purposeful misrepresentation of the property and its condition?

In 2016, Commissioner Patty Sheehan was friends with Barbara Poma and later joined the onePULSE Foundation's Memorial Task Force.[621] When the City first tried to buy the PULSE property, Sheehan knowingly supported Orlando taxpayers paying the exorbitant price for the PULSE property, while Commissioners Tony Ortiz and Jim Gray openly objected to the City's purchase of the property. Sheehan did this despite knowing of the code violations and unpermitted renovations at PULSE and their disastrous impact on first responders and victims—as published in concurrent media reports and told to her directly by first responders.

In November 2016, Sheehan said, "We have paid above-market value on numerous other properties in the city of Orlando it's never been a problem before. I'm distressed that this sale did not go through." She also claimed that the City insulted the seller of the property (the Pomas).[622]

Conversely and justifiably, Ortiz accused the owners of trying to take advantage of the massacre five months after the shooting, stating, "I don't see no honor in capitalizing on the tragedy like this. I mean, what kind of good are we doing to our LGBTQ community?"[623] Gray stated, "People can sell their property for whatever they want; I just don't need to pay for it."[624]

The Pomas originally wanted $4M for the property they paid $925,000.00 for in 2005.[625] The City's contentious $2.25M offer to the Pomas in 2016 was well above the $1.68M that the property was appraised for and more than double its market value.[626]

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[621] "Orlando Commissioner Sheehan calls city's Pulse memorial plans 'a new start'," Erik Sandoval, Click Orlando, November 14, 2023, https://www.clickorlando.com/news/investigators/2023/11/14/orlando-commissioner-sheehan-calls-citys-pulse-memorial-plans-a-new-start/. It is also important to note that Mayor Dyer was also on the onePULSE Foundation's Chairman Advisory Committee and refused to resign. Despite these numerous overlaps— Dyer, Sheehan, and Crittenden—Sheehan has falsely and adamantly stated that the City and the onePULSE Foundation are separate to shield itself from criticism as the City took on the memorial project from the failed nonprofit. See, https://westorlandonews.com/orlando-mayor-buddy-dyer-refuses-to-resign-from-onepulse-foundation/.

[622] Ibid.

[623] *WFTV*, https://www.youtube.com/watch?v=hMwe00CBxPw.

[624] "Orlando bid to buy Pulse 'colossally mishandled,' commissioner says," Nadeen Yanes, ClickOrlando, December 5, 2016, https://www.clickorlando.com/news/2016/12/05/orlando-bid-to-buy-pulse-colossally-mishandled-commissioner-says/.

[625] *WFTV*, https://www.youtube.com/watch?v=hMwe00CBxPw; See, Orange County Property Appraiser, https://ocpaweb.ocpafl.org/advancedsearch.

Months after the City's purchase of the property for $2M in October 2023, which Sheehan voted for, she stated, "We were ripped off, the community was ripped off."[627] Sheehan also stated, "we were taken advantage of."[628] In 2025, it became clear that Sheehan was making the memorial about her own legacy, as she (again) publicly announced she was not seeking another term on the City Council and was retiring with Mayor Dyer.[629] Both Sheehan and Dyer have both publicly stated their goal is to complete the memorial in their final year in office.[630]

After the City purchased the nightclub property, **the City made moves behind closed doors to purchase the property behind PULSE from the dissolving onePULSE Foundation,** which was being forced to liquidate its assets to pay its debts and pay back money it spent inappropriately.[631] **City Attorney Mayanne Downs**, was also the President of the law firm **GrayRobinson**, **facilitated the deal between her private client Craig Mateer** and the onePULSE Foundation. **Earl Crittenden** was Chairman of the onePULSE Foundation and Chief Protocol Officer for the City of Orlando, as well as an attorney at GrayRobinson under Downs.

Craig Mateer is also the brother of Assistant City Attorney Jody Mateer Litchford. Mateer purchased the property, which is twice the size of the PULSE property and has a building in substantially better condition, for half the price ($1M) as the City paid for the PULSE property. The intention was that Mateer would later sell the property to the City.

In fact, **Mateer stated, "It was just really more I just got a call from City Hall saying, 'hey, do you mind getting in the middle of this?' "**[632]

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[626] "Pulse nightclub owner no longer wants to sell the property to city of Orlando," John Riley, *MetroWeekly*, December 5, 2016, https://www.metroweekly.com/2016/12/pulse-nightclub-owner-no-longer-wants-sell-property-city-orlando/.

[627] "Former Nightclub owner received over $1M insurance payout months after shooting," Ashelyn Webb, *WFTV*, March 19, 2024, https://www.wftv.com/news/local/former-pulse-nightclub-owner-received-over-1m-insurance-payout-months-after-shooting/XMMBTGFSUNFSPPSGDTEMURYYBM/.

[628] "Pulse memorial committee to be created with residents, city officials say," Central Florida Public Media, *WUSF* (NPR), Jun 9, 2024, https://www.wusf.org/local-state/2024-06-09/pulse-memorial-committee-created-residents-orlando.

[629] "Memorial plan for 2016 Pulse shooting on track after nearly a decade: 'Like holding your breath'," Richard Luscombe, *The Guardian*, March 28, 2025, https://www.theguardian.com/us-news/2025/mar/28/pulse-nightclub-shooting-memorial-orlando.

[630] "Orlando Pulse Nightclub memorial could finally be completed by the end of 2027," McKenna Schueler, *Orlando Weekly*, February 24, 2025, https://www.orlandoweekly.com/news/orlando-pulse-nightclub-memorial-could-finally-be-completed-by-the-end-of-2027-38932590.

[631] "OnePULSE dumps tax bill on Orange County," *Orlando Sentinel*, May 22, 2024, https://www.orlandosentinel.com/2024/03/22/onepulse-dumps-tax-bill-on-orange-county/ ; "OnePULSE spent $680,000 in state taxpayer funds on salaries, but will not be audited by the state," McKenna Scheuler, *Orlando Weekly*, January 11, 2024, https://www.orlandoweekly.com/news/onepulse-spent-680000-in-state-taxpayer-funds-on-salaries-but-will-not-be-audited-by-state-35920851.

[632] "Orlando businessman buys land next to Pulse nightclub to help city with memorial plans," Marlei Marinez, *WESH 2*, December 20, 2023, https://www.wesh.com/article/orlando-onepulse-land-sold/46191830; "Buyer of lots near Pulse nightclub says he secured them for Orlando's eventual memorial," Amanda Rabines and Ryan Gillespie, *Orlando Sentinel*, December 20, 2023, https://www.orlandosentinel.com/2023/12/19/onepulse-quietly-sells-land-next-to-nightclub-property-to-

Once we began publicly calling out this egregious conflict of interest that resulted from Mateer bailing out the onePULSE Foundation and preventing a State audit of the failed nonprofit—as well as securing the property for the City while sidestepping its required "lengthy" real estate acquisition process—the City began delivering public statements praising Mateer at City Council meetings including by Mayor Buddy Dyer, Commissioner Patty Sheehan, and the Mayor's Chief of Staff Heather Fagan.

On March 20, 2026, the *Orlando Sentinel* published an embarrassingly gushing letter penned by Downs. In it, she stated that she was especially grateful to Craig Mateer, "who on the strength of a quick phone call advanced $1 million to secure a parcel the Foundation was about to sell, then returned it to the city below his own cost." She also mentioned Fagan and then went on to state, "We spend a lot of time criticizing leaders these days. These people remind us what good ones look like." Published after our increasing public criticism of both Mateer and Fagan, this letter appeared designed to deflect attention from the conflicts of interest that had increasingly come under public scrutiny and instead portray the principal actors as exemplary public servants.

When City officials appeared before the Orange County Commission on June 3, 2025, seeking $5 million for the City's PULSE memorial project, Commissioner Kelly Semrad asked a straightforward question: would Craig Mateer profit from his acquisition of the onePULSE Foundation properties? Heather Fagan assured the Commission that he would not. At the time, the question focused narrowly on whether Mateer would realize a profit from the real estate transaction itself. In the years that followed, however, a broader picture emerged. Although Mateer did not profit by reselling the onePULSE properties to the City above his purchase price and closing costs, he stood to benefit substantially from subsequent City actions unrelated to the memorial parcels. It is also unclear who profited from the closing of the property and if the Mayor's son, Trey (an employee of Mateer), was involved in those real estate transactions.

For years, Mateer had sought to redevelop historic properties he owns on Church Street, only to face resistance from the Historic Preservation Board (HPB). The City's subsequent decision to suspend the HPB's review process for development proposals in the City's Downtown Historic District while simultaneously committing millions of taxpayer dollars to transform Church Street into a "festival street" significantly advanced Mateer's long-standing redevelopment interests.[633] Viewed together, these events raise serious questions about whether Mateer's purchase of the onePULSE properties functioned as more than a charitable accommodation to the City. While he may not have profited from that transaction directly, the sequence of events creates the appearance that his assistance was later rewarded through governmental actions that could yield financial benefits far exceeding any gain from the original

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private-buyer-even-as-orlando-takes-over-memorial-plans/; "Property records reveal more details about sale of planned Pulse memorial land," Ashlyn Webb and Charles Frazier, *WFTV*, December 20, 2023, https://www.wftv.com/news/local/property-records-reveal-more-details-about-sale-planned-pulse-memorial-land/2QIE262FHZFWBIWUIL2G2ICFCA/; "Orlando Pulse nightclub memorial could finally be completed by the end of 2027," McKenna Schueler, *Orlando Weekly*, February 24, 2025, https://www.orlandoweekly.com/news/orlando-pulse-nightclub-memorial-could-finally-be-completed-by-the-end-of-2027-38932590.

[633] Public records ties Mateer to Church Street property owners WBZ LLC and 789CS LLC, which own 123 W. Church Street, 125 W. Church Street, 127 W. Church Street, 129 W. Church Street, 78 W. Church Street, and 90 W. Church Street.

property sale.

Furthermore, the links between the City and the onePULSE Foundation extend beyond Sheehan, Dyer, Downs, Mateer, Litchford, and Crittenden. Dr. Larry Schooler, who was hired by the City of Orlando to facilitate the Memorial Advisory Committee, disclosed on YouTube that he was hired by the City because one of his clients was a former employee of the onePULSE Foundation. **The City did not go through the standard procurement process for this position**, paid Schooler, and allowed him to re-traumatize victims/survivors and plagiarize parts of the process. It was obvious Schooler lacked the experience and expertise required for this role. Regardless, his contract was extended and he was paid.

An email shows that City Attorney Mayanne Downs was used to the City hiring personal friends. Before the City even purchased the PULSE building, prior to the 2016 deal that eventually fell apart, Downs sent an email to Frank Billingsley, who was the Mayor's Chief of Staff at the time, saying, "Not sure if you're picking names yet [for the PULSE memorial] but my partner John Boudet would be great. He's Latin, and was President of the Mennello Museum and has lived here all his life."[634]

These intertwined relationships present conflicts of interest, raising concerns about the impartiality of the City's actions and decisions related to its failure in forcing the PULSE Nightclub into compliance for over 13 years, failure to investigate the Pomas after the shooting or inspect the PULSE building, and failure to investigate the onePULSE Foundation. The conflicts of interest also raise concerns about how the City is purchasing these properties and the price it is paying.

The City refused acknowledge Mateer's personal and financial relationships with City leaders and the City only referred to Mateer publicly as a generous "businessman," "business leader," and "community leader," who was not going to financially benefit from his involvement in the property transfers between the onePULSE Foundation and the City of Orlando.[635]

These transactions and personal and financial relationships should be scrutinized under the lens of all applicable anti-corruption laws, as well as the City's own Ethics Policy, 800.5, which states, "City employees, elected officials, and those who serve on City board should always… avoid doing anything, personally or professionally, that might seem or appear to be improper or unethical."

Furthermore, the City of Orlando was in talks for years with the onePULSE Foundation regarding the construction of a Survivor's Walk—a walkway from the PULSE nightclub property to Orlando Health, intended to honor shooting survivors. Deborah Bowie, Executive Director of the onePULSE Foundation, even signed a contract dated September 11, 2023, and gave the City **$50,000.00** to fund this project.[636]

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[634] Email, Mayanne Downs to Frank Billingsley, July 18, 2016, Subject: Pulse Memorial, City of Orlando.

[635] See emails between Heather Fagan and Zachary Blair, March 2025, Subject: Purchase of "Businessman's" Property - PULSE MEMORIAL, City of Orlando.

[636] "In another blow to Pulse survivors, Orlando Health Survivors Walk isn't happening," Michelle Imperato, *WESH 2*, June 26, 2024, https://www.wesh.com/article/pulse-survivors-orlando-health-survivors-walk-canceled/61423977; "'It could have been so much more': Pulse Survivor Walk will not happen," Ashlyn Webb, *WFTV*, June 27, 2024,

However, once the onePULSE Foundation dissolved, the City claimed it had limited knowledge of the project. Via email the City released the following statement:

> *Regarding your questions about the Survivor's Walk, as part of a larger roadway improvement project along South Orange Avenue that involves several agencies, including OUC and FDOT, the city is contributing toward pedestrian enhancements, expanded sidewalks, landscaping, and utilities infrastructure upgrades. The project is currently underway and is expected to be completed by the end of the year.*
>
> *Beyond the infrastructure work the city is doing, we have no information as to what the OnePulse Foundation may or may not have planned for the Survivor's Walk. The city's focus at this time remains on the development of the Orlando United Pulse Memorial.*

However, emails obtained from the City of Orlando and the Florida Department of Transportation (FLDOT) show that the onePULSE Foundation, the City of Orlando (Martin "Marty" Hudson), and multiple other partners had been working on the project and coordinating efforts since 2021 and were in frequent communication with the onePULSE Foundation regarding this project.[637] The onePULSE Foundation even provided the City with colors, design plans, costs, and timelines for the project. We do not know what the City spent the **$50,000.00** on or where that money went since the Survivor's Walk project has been completely abandoned. We will explain this further in the next section on the onePULSE Foundation.

In 2024, the City began promising PULSE families and survivors that they will be allowed to walk in the building one last time before it is demolished. **The building, which has sat neglected for nearly nine years, with roof leaks and holes in load-bearing walls, has still never been inspected. In 2025, as the City began planning for the site visit, officials released statements that they "believed" the building was safe but still refused to inspect it.** Instead, they created a liability waiver that they are forcing families/survivors to sign prior to being allowed to enter the neglected building. We offered to pay for an independent building inspection to confirm its safety and to document the code violations and unpermitted renovations that remain inside the building. The City refused to respond to our emailed requests and follow-ups. Furthermore, media coverage of these issues did not pressure the City to follow up or to inspect the building to ensure its safety.[638]

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https://www.wftv.com/news/local/it-could-have-been-so-much-more-pulse-survivor-walk-wont-happen/PB22PFAOIVAQRKEH4CBQWKHRPU/.

[637] Request 24-12248 and 24-8676 City of Orlando.

[638] See, "Pulse advocacy group offers to pay for independent building inspection ahead of club walkthrough," Hannah Mackenzie, *Fox 35*, https://www.fox35orlando.com/news/pulse-advocacy-group-offers-pay-independent-building-inspection-ahead-club-walkthrough.amp; "Pulse massacre survivor voices safety concerns ahead of proposed nightclub walkthrough," Hannah Mackenzie, *Fox 35*, https://www.fox35orlando.com/news/pulse-massacre-survivor-has-concerns-over-building-safety-ahead-proposed-club-walkthrough; "Pulse massacre survivor addresses being allowed back into the building," Valerie Boey, *WFTV*, https://www.wftv.com/news/local/pulse-massacre-survivor-addresses-being-allowed-back-into-building/2QZW5ZBNLFCTPBAP7ZC2CJTGEE/; "Families of Pulse victims angered over waiver requirement," Valerie Boey, *WFTV*, https://www.wftv.com/news/local/families-pulse-victims-angered-over-waiver-requirement/WFMSU5N63BFJZMXJF7RWFDKUN4/.

Patty Sheehan confirmed with ClickOrlando that there was never a building inspection done after the shooting and that the City had no idea what condition the building is in and still needs to do a building inspection. “Something needs to happen there because it really is a big wound -- seeing that awful building with the holes in it, and I don’t even know what condition it’s in,” she said. “There’s differences of opinions -- should we keep the building, should we not? There’s a building that’s been sitting there for seven-and-a-half years with holes in the side, and I kind of doubt that it’s going to be in any condition. We’ll evaluate that.”

By purposely misleading the public, City employees including OPD Chief John Mina, Mayor Buddy Dyer, Chief of Staff Heather Fagan, PIOs Cassandra Lafser and Ashley Papagni, Commissioner Patty Sheehan, and City attorney Kyle Shephard—to name a few—thwarted litigation. **They also concealed the facts from the public and their own City Council for years and continue to do so.**

At a minimum, many of these actions represent a violation of Florida Statutes § 837.06 (2024), *False Official Statements*, which states: “Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree.” This is particularly true of the situation regarding the blocked exit and the Coke “machine” (refrigerator) and Luis Capo’s tragic and, according to medical experts at Georgetown University, preventable death.

There are also other significant implications of the City’s actions and inaction, particularly regarding the unpermitted renovations at Pulse Nightclub and the purposeful concealment of these issues. Most importantly, by failing to enforce building codes and safety regulations, the City may bear partial responsibility for the conditions that exacerbated the tragedy. Efforts to cover up these failures could be seen as attempts to evade accountability, obstruct justice, and protect the City's interests, rather than addressing the systemic issues that allowed such violations to persist. **It is astounding to us that people like Timothy Johnson, who was then manager of the Permitting Division, was promoted after the shooting rather than fired for failing to keep PULSE in compliance with building, zoning, and fire codes**—as documented by Fire Marshal Tammy Hughes.

A thorough and impartial investigation is essential to uncover the truth, ensure justice for the victims and survivors, and restore public trust in the institutions responsible for safeguarding community safety.

Chapter 8: The onePULSE Foundation

Watching Over the Central Florida Nonprofit

The onePULSE Foundation was established on June 7, 2016, less than a month after the mass shooting, as "the only 501(c)(3) incorporated by the owners of the Pulse Nightclub."[639] While PULSE co-owner Rosario Poma made numerous public appearances in 2016, he soon disappeared from the public eye and Barbara Poma quickly took the reins of the nonprofit and became its public face. With the help of a public relations team, Barbara Poma would eventually overshadow actual victims/survivors in the media and become the face of the PULSE massacre—despite glaring conflicts of interest, which included being sued by victims/survivors in civil court.

At the time of its formation, the onePULSE Foundation's mission stated that the nonprofit was "providing immediate financial assistance to victims affected by the attack at PULSE Nightclub in Orlando, Florida" and "conceiving, funding, and aiding in the construction of a permanent memorial on the existing Pulse site in Orlando, Florida, and other relevant sites to be determined by the Board." While the onePULSE Foundation began with this noble mission, it quickly transformed into an exploitative nonprofit as it collected millions in donations and grants, stopped all financial assistance to victims/survivors, focused on spreading misinformation, misused its TDT grant, and – after 8 years – failed to ever break ground on a memorial.

On May 9, 2017, nearly a year after incorporation, the onePULSE Foundation filed the names of its Board Members, which was comprised of high-wealth individuals and others who had personal connections to the Pomas, including Jason Felts (then, the CEO of Virgin Produced), Lance Bass (formerly closeted singer of the 1990s boy band *NSYNC), Aly Benitez (the niece of the Pomas' lawyer),[640] Sharon Hagle (wife of Marc Hagle, who reportedly made their fortune through commercial real estate), George Kalogridis (then, the President of Walt Disney World), Dale Hipsh (then the CEO of Hard Rock), Andrew Snyder (Senior VP of Orlando Health), and Yatin Patel (Founder of Reservations.com)—to name a few.[641]

The first change that began raising questions was quietly made through the filing of the nonprofit's

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[639] See the onePULSE Foundation's Articles of Incorporation filed with the State of Florida on July 7, 2016, via SunBiz. Note that the articles state it was formed by PULSE's owners (plural), even though Barbara Poma would become the face and leader of the organization, with Rosario Poma absent from the public eye.

[640] See, *Chapter 2* regarding Aly Benitez and Pulse of Orlando, LLC. Also, see her relationship to the Orange County Sheriff's Foundation (Chapter 4).

[641] Aly Benitez founded and ran her own nonprofit after the shooting that collected funds for victims/survivors, called Pulse of Orlando. In numerous articles and on the nonprofit's website, she stated that the nonprofit raised "over $325,000" and distributed over $200,000.00 "and counting." See, https://pulseoforlando.org/ and *Watermark* Issue 24.04 "Pennies from Heaven" https://issuu.com/watermarkmedia/docs/2404-pulsefunding. However, the nonprofit's only IRS 990 filed (2016) shows a revenue of $321,540.00 and only $178,427.00 grants distributed, with an end-of-the-year balance of $132,817.00. There is no record of the nonprofit's formal dissolution, with the nonprofit's last event in the Florida Division of Corporations (sunbiz.org) being Admin Dissolution for Annual Report on September 28, 2018. The only Annual Report that was ever filed was on March 17, 2017. This nonprofit's mission also stated the organization "will build and maintain a memorial for the victims."

Amended Articles of Incorporation with the State of Florida on April 28, 2017.[642] This is when the nonprofit changed its mission statement by removing "immediate financial assistance to victims" and adding instead "community grants to care for the victims' families and survivors; educational programs to promote amity among all segments of society; and endowed scholarships to honor each of the 49 angels." While the nonprofit did give an initial donation of to the National Compassion Fund for direct distribution to victims/survivors, it only gave one $1,000.00 "community grant" and its financial disclosures do not state who received these funds. The onePULSE Foundation continued to collect claiming it was providing financial assistance to victims/survivors, even though it was not.

It is worth noting that most of the onePULSE Foundation's early filings with the State were drawn up and signed by the Pomas' personal lawyer Gus Benitez, who continued to represent them after victims/survivors filed a premises liability and security negligence lawsuit against the Pomas and 1912 Orange Avenue, LLC in 2018.[643] Benitez also represented the Pomas in this case, even as they were all accused of illegally transferring the PULSE nightclub property in the immediate aftermath of the shooting; an issue that has still not been resolved in the courts as of 2026.

By 2019, Barbara Poma continued to lead the organization and shifted from building a memorial to also building an additional museum. Despite collecting millions of dollars, the onePULSE Foundation never conducted financial audits for its first few years of operation. The organization did not audit itself until after we began publicly criticizing the nonprofit in the summer of 2019.[644] We also contacted our local representatives who joined us in speaking out against the organization's lack of transparency and the need for an independent audit.[645] Without this support, the nonprofit likely would have continued to keep very basic financial records hidden from the public. By this time, the Florida Legislature had allocated $500,000.00 for the nonprofit and Orange County pledged $10M in tourism development tax (TDT) dollars, in addition to the hundreds of thousands of dollars the nonprofit collected through individual donations.[646]

Barbara Poma repeatedly denied that she was trying to turn the Pulse site into a tourist attraction, even after she pitched this project for area tourism to the Orange County Tourism Development Council for the $10M tourism tax grant (that she was awarded).[647] In 2021, Poma was given a seat on the Board of Visit Orlando for her efforts to turn the massacre into a tourist attraction.[648]

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[642] Sunbiz.org, onePULSE Foundation, Inc. https://search.sunbiz.org/Inquiry/CorporationSearch/ByName

[643] "Pulse survivors suing nightclub owners," Greg Angel, *Spectrum News 13*, June 8, 2018. https://mynews13.com/fl/orlando/pulse-shooting/2018/06/08/pulse-survivors-suing-nightclub-owners

[644] "Some Pulse Survivors Challenge onePULSE Salaries and Plans," Ruth McCambridge, *Nonprofit Quarterly*, August 14, 2019. https://nonprofitquarterly.org/some-pulse-survivors-challenge-onepulse-foundation-salaries-and-plans/

[645] "onePULSE Foundation — which is raising money for memorial — should be audited, Central Florida lawmakers say," Kate Santich, *Orlando Sentinel*, June 13, 2019. https://www.orlandosentinel.com/2019/06/10/onepulse-foundation-which-is-raising-money-for-memorial-should-be-audited-central-florida-lawmakers-say/

[646] https://time.com/5605008/pulse-nightclub-onepulse-memorial-museum-audit/; https://www.wesh.com/article/wesh-2-investigates-finances-related-to-onepulse-foundation-memorial-amp-museum/28126702.

[647] https://www.youtube.com/watch?v=S55DiIBwl4o&feature=youtu.be

[648] https://www.visitorlando.org/about/board-of-directors/; Poma did nothing else for area tourism.

When pressed for transparency and faced with criticism, the nonprofit's Board Chairman Earl Crittenden stated, "OnePULSE Foundation has always been transparent… We have filed our [IRS form] 990s in 2016 and 2017, and we are in the final stages of an independent external audit, which reviewed the foundation's 2018 fiscal year. Our board maintains the highest standards of fiscal ethics, accountability and responsibility."[649] This statement disregarded the fact that the organization's tax filings are a federal legal requirement and do not signify a commitment to transparency.

However, the nonprofit's financial, organizational, and legal documents (990s, audits, quarterly reports, letter from lawyers, internal memos, etc.) obtained through public record requests and mandated disclosures over the years show a pattern of financial misrepresentation, conflicts of interest, and questionable activities within the organization. This documented evidence warrants a thorough criminal investigation into the foundation's operations and financials, as well as the Pomas' personal financials and the financials of their associates, such as George Kalogridis, Aly Benitez, and her own nonprofit called Pulse of Orlando, LLC.[650]

In addition to receiving an insurance payout of $1.3M for the complete loss of the property,[651] the Pomas would later sell the property to the City for $2M—material evidence the property was not a complete loss after the shooting and it actually more-than-doubled in value as a result of the City's involvement.

It is important to note that appraisers hired by the City of Orlando never went into the building and fully inspected it. Instead, these appraisers relied on inaccurate information provided by owner Rosario Poma, which led to an inflated appraised value and taxpayer-funded market manipulation.

This is all documented in the City's two appraisal reports, which reuse the same inaccurate information—particularly related to the unpermitted work, which included two illegal "offices" in the building's "attic" accessible only by ladder that the appraiser improperly considered legitimate office space, using downtown office buildings as comparables.[652]

The Pomas' insurance payout reportedly included:

- **$800,000.00** for the building
- **$400,000.00** for the business property, and
- **$250,000.00** for loss of income.[653]

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[649] Ibid.

[650] https://pulseoforlando.org.

[651] "Former Pulse nightclub owner received over $1M insurance payout months after the shooting," Ashlyn Webb, *WFTV*, March 19, 2024, https://www.wftv.com/news/local/former-pulse-nightclub-owner-received-over-1m-insurance-payout-months-after-shooting/.

[652] Request 25-3965. City of Orlando.

[653] Ibid.

When asked about these insurance payments, the Pomas made conflicting public statements over the years. In 2016, Barbara Poma said that she and her husband used the insurance payout for expenses including staff payroll (which they also separately collected donations for), property taxes (which the onePULSE Foundation paid on the property owned by the Pomas [see below]), legal fees, security, and property maintenance (also paid by the onePULSE Foundation).

Barbara Poma stated:

> *Our club was the victim of an unforeseen and horrific terrorist attack that tragically took the lives of 49 people. Unlike some other bars in downtown Orlando, for years we paid for and maintained insurance coverage on the club, which is a standard business practice. The monies received were used to continue to pay staff payroll, accounts payable, property taxes, legal fees, insurance on the sign, security, property maintenance -- all issues for which insurance monies are to be used when a business has been destroyed or damaged. Insurance on the business had nothing to do with our decisions regarding the property's ownership.*[654]

However, in March 2023, Rosario Poma wrote a letter to the onePULSE Foundation showing almost all the money they received from insurance went to pay off debt on the nightclub between the mortgage and the "buildout."

At this time, Poma claimed his friend Michael Panaggio gave them a **$1M loan** for PULSE. However, Panaggio was not a part of any previous financial conversations, contracts, or transactions related to PULSE and its sale to the City in 2016. Panaggio was added as manager to the paperwork on the Pomas'1299 SIA, LLC filed on October 4, 2018, which they transferred the property to after the shooting. We have never seen any proof of Panaggio's loan to the Pomas or that it was paid back after the sale of the PULSE property to the City of Orlando for $2M.

We asked investigators to look at all annual IRS tax filings for Panaggio, the Pomas, and all three LLCs owning PULSE to ensure that these large-dollar financial transactions and business investments have been properly documented and taxed.[655]

Poma's Private Property Taxes Were Allegedly Paid by her Nonprofit

As Barbara Poma was kicked out of the nonprofit that she founded and ran for years, it was revealed that the onePULSE Foundation was leasing the property from Poma and paying Pomas' property taxes—despite the obvious conflicts of interest in her being the nonprofit's CEO and Founder and receiving a $150,000.00 executive salary. Prior to this revelation, it was widely assumed that the PULSE owners received an insurance payout and that the property was being donated by them to their own nonprofit for their memorial project. Improvements made to the PULSE property were also donated through the onePULSE Foundation. Thus, the onePULSE Foundation paid to allow Poma to maintain ownership of the property for years and improved the property prior to its sale to the City of Orlando, financially benefitting the Pomas. The $2M appraisal value paid by the City included those donated improvements.

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[654] Ibid.

[655] Ibid.

Since we began organizing in 2019 and created the Community Coalition Against a Pulse Museum (CCAPM), we created and participated in a number of public campaigns against the onePULSE Foundation to raise public awareness about these issues and conflicts of interest—particularly pertaining to Barbara Poma, but we also exposed other conflicts and mistruths. A turning point came in 2023, particularly after the aforementioned Mother's Day Press Conference in front of Orlando City Hall where we called for criminal investigations into the onePULSE Foundation, the Pomas, and the City of Orlando.

In response to this press conference and our public outrage, the onePULSE Foundation released the following statement:

> *The onePULSE Foundation respects the solemnity of today for those who have lost loved ones. However, the claims made today about the Foundation are untrue and misinformed. The onePULSE Foundation publishes its audited financial statements and 990 on its website, a practice it has adhered to every year since its inception. Furthermore, the Foundation is proud to carry a Gold Seal rating in Guidestar, a rating that less than five percent of nonprofits registered with the agency hold. Guidestar evaluates the financial transparency and accountability of nonprofits worldwide.*[656]

This blanket denial of wrongdoing was made months before the nonprofit announced its dissolution after Orange County discovered the nonprofit violated its contract with Orange County by illegally renting out a warehouse property purchased with public dollars through the County's $10M TDT grant. It was reported that the onePULSE Foundation profited about **$130,000.00** in rental fees for the West Kaley Street property.[657] However, there has been no public disclosure of any accounting of how these funds were used by the nonprofit, as these rents were not appropriately disclosed in any of its audits or financial statements. If these rental payments were property disclosed, Orange County would have been able to stop the contractual violation sooner. The nondisclosure allowed the nonprofit to lease the warehouse building and violate its contract with Orange County for years.

After this issue with the onePULSE Foundation was publicly disclosed by the County, it was revealed that the nonprofit had leases with both Orlando Health, one of the nonprofit's major donors, and the Nassal Company. We do not know how much they were charged as copies of the lease have been kept from the public. We also do not know where this money went, although Deborah Bowie, who served as the onePULSE Foundation executive director for the last year the nonprofit was in business, has suggested that the money went to pay the nonprofit's bloated salaries.

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[656] See, "Families of Pulse victims call for investigation into onePULSE Foundation," *Spectrum News 13*, May 15, 2023, https://mynews13.com/fl/orlando/news/2023/05/14/mothers-of-pulse-victims-call-for-investigation-into-onepulse

[657] "Orange County to pay $50k tax bill left by onePULSE Foundation," Curtis McCloud, *Spectrum News 13*, March 26, 2024, https://mynews13.com/fl/orlando/news/2024/03/26/orange-county-to-pay--50k-tax-bill-left-by-onepulse-foundation.

Equally as troubling is that the County stated that it was unknown whether or not the warehouse building had potential safety hazards. Orange County did not discover this violation until we filed a formal complaint and the County looked into it and revoked what remained of the $10M grant. It was disclosed to us by a onePULSE Foundation employee that the owners of the Nassal Company were personal friends of the Pomas.

Unlike the City of Orlando, which had been combative every step of the way, Orange County was more responsive, receptive, and forthcoming to all of these issues surrounding the nonprofit. Of course, there are probable reasons for this: Mayor Buddy Dyer sat on the Chairman's Ambassador Council of the onePULSE Foundation. Earl Crittenden was not only Chair of the onePULSE Foundation but also Mayor Dyer's Chief Protocol Officer.

Conversely, County Commissioners and employees especially Orange County Comptroller Phil Diamond who also investigated the conflicts of interest between the Orange County Regional History Center's former Executive Director Pamela Schwartz and the onePULSE Foundation followed through. And, he made these publicly transparent even after Schwartz denied allegations made against her that turned out to also be completely factual.[658] Prior to these conflicts becoming public, Schwartz resigned from Orange County and began working for THINC Design in New York City—a connection she made while working for the onePULSE Foundation, as they hired the design firm for work on the proposed memorial/museum.[659]

The onePULSE Foundation's public statement pointed to its Guidestar rating in an effort to divert public scrutiny and assuage allegations of financial mismanagement. However, nonprofit watchdogs know this is a superficial score automatically generated when nonprofits upload basic documentation to the platform. It has no legitimate meaning and does not prove any nonprofit is operating ethically, transparently, or in accordance with the law. In fact, lacking oversight and holding little significance, many nonprofits choose not to invest time in maintaining this rating annually, given its irrelevance.

The Foundation also attempted to redirect attention to its routine publication of Form 990s, which are federally mandated financial disclosures. These documents are publicly accessible through the IRS regardless of whether or not the Foundation hosted them on its website—a website that was swiftly taken down upon the nonprofit's dissolution. These forms also do not answer the questions being asked to the Foundation and provide limited information, lacking details about expenditures and cash flows.

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[658] "Questions over finances remain as onePULSE Foundation moves to dissolve organization," Ashlyn Webb, *WFTV*, November 22, 2023, https://www.wftv.com/news/local/questions-over-finances-remain-onepulse-foundation-moves-dissolve-organization/L5KTR3GU7FDUJM6O4TB4RWPUME/; "Orange County auditors see conflict in county employee's work for onePULSE," Stephen Hudak, *Orlando Sentinel*, September 11, 2024, https://www.orlandosentinel.com/2024/09/11/orange-auditors-see-conflict-in-county-employees-work-for-onepulse/.

[659] https://www.thincdesign.com/team; Also see, https://www.orlandosentinel.com/2024/03/13/how-onepulse-broke-orlandos-heart/.

Notably, even upon dissolution the onePULSE Foundation actively obstructed demands for transparency, refusing to provide Orange County with requested financial documents.[660] After this blatant refusal, the County fired back with Mayor Jerry Demings stating they will hire document specialists to retrieve the records.[661] George Kalogridis, who was one of the few remaining Board members, eventually complied with legal counsel, but heavily redacted bank statements that were eventually made public through our public records requests. Again, these heavily redacted documents were only handed over after Orange County threatened to hire a Document Specialist to obtain the records independently. Furthermore, the Foundation stopped publishing the names of their biggest donors on its 990s. Allegedly, this was done in an effort to conceal the money personally donated to the organization by Kalogridis to hire his friends. Taken together, the Foundation's public statements amounted to little more than a smokescreen designed to obscure its practices. The nonprofit also avoided a forensic audit, which is what local officials wanted, but lacked the power to enforce.[662] The lack of transparency has been a recurring theme since the 2016 shooting with all agencies and organizations that sought to take advantage of the massacre as a tourist attraction., including the onePULSE Foundation and the Office of the Orlando Mayor.

Financial Misrepresentation and Fundraising Discrepancies

For years, the onePULSE Foundation strung along donors and the public claiming they were always just a step away from breaking ground on the multi-million-dollar memorial-museum campus they designed.[663] Even months before they announced they were dissolving and without enough money to continue operations for another year, the onePULSE Foundation pushed out misleading public statements that falsely claimed they were moving forward with a scaled-down memorial and museum.

The onePULSE Foundation kept the ballooning cost of the memorial-museum from the public,[664] as their proposal started at $45M when the project was announced in 2019 to $100M by 2022. We only learned of this cost increase because they hired a fundraising consultant in Kentucky, JP Davis Partners, who inadvertently disclosed this new amount on his website's About Me page and we promptly alerted the media.[665] The Foundation did not make this new and blatantly unattainable price tag public until they were confronted about the ballooning cost by local reporters several months after our discovery. We were told by onePULSE Foundation employees that they were purposely deceptive in keeping this more-than-double cost increase from the public, as they knew the increased costs and lack of progress would bring negative media attention—and they were right.[666]

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[660] https://www.wftv.com/news/local/orange-county-no-longer-seeking-onepulse-financial-records-after-foundation-doesnt-turn-over/2PRZB3VO4BENDGL4ATDF4RVAZA/

[661] "Orange County to pay $50k tax bill left by onePULSE Foundation," Curtis McCloud, *Spectrum News 13*, March 26, 2024, https://mynews13.com/fl/orlando/news/2024/03/26/orange-county-to-pay--50k-tax-bill-left-by-onepulse-foundation. Also, see https://www.youtube.com/watch?v=RzgwNyoSFuE.

[662] https://www.orlandosentinel.com/2023/11/03/local-and-state-leaders-in-orange-county-call-for-audit-of-onepulse-foundation/.

[663] https://www.bizjournals.com/orlando/news/2021/06/21/pulse-memorial-takes-big-step-toward-construction.html

[664] Ibid.

[665] https://www.orlandosentinel.com/2022/06/28/onepulse-foundation-hires-deborah-bowie-a-veteran-executive-familiar-with-tragedy/; also see, https://www.jpdavispartners.com/about.

Executive Director Deborah Bowie lied to the public when she told the media that the onePULSE Foundation learned about the cost of the memorial-museum ballooning to $100M in January 2023, as *WESH 2* pointed out in their reporting.[667] The fact is that the onePULSE Foundation knew about the price increase at least a year-prior to Bowie's 2023 statements to the public and if the Covid-19 pandemic was truly to blame for the increased cost, nonprofit leaders knew about this significantly earlier than 2022.[668]

In 2021, when the cost of the project was still being reported to be **$45M,[669]** it became clear that Barbara Poma's stated construction timeline for completion in 2022 was not going to happen and, indeed, construction was delayed. Instead of beginning construction on the memorial, the onePULSE Foundation pivoted and Poma stated that the first phase of the onePULSE Foundation's plan was going to be the Survivor's Walk instead.[670] In the years prior, the anticipated memorial component had been given priority by the nonprofit.[671] After all, the memorial project and the promise to help survivors and family members was what launched the nonprofit. By partnering with the City of Orlando to build the Survivor's Walk, the nonprofit was able to push this capital project onto taxpayers and the municipality and deflect criticism onto the City for failing to build or break ground.

Scott Bowman, Chief Communications Officer of the onePULSE Foundation, publicly stated that the Survivors Walk was "now in the hands of Orlando City officials."[672] The reporting stated that:

> *The city is working with the Florida Department of Transportation on improving Orange Avenue between Grant Street and Gore Street, flanking the club's property. The plan unveiled by FDOT in late 2019, initially included decorative colored crosswalks near the club, where the current memorial stands.*
>
> *"We were able to put our plans under theirs," Poma said, "And so when they break ground,*

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[666] https://www.orlandosentinel.com/2023/09/08/facing-setbacks-and-survivors-frustrations-pulse-foundation-leaders-boosted-pay-with-tax-credit/

[667] https://www.wesh.com/article/onepulse-foundation-museum-memorial/44065845

[668] https://www.orlandosentinel.com/2021/06/10/despite-setbacks-and-critics-pulse-foundation-pushes-forward-on-memorial-and-museum/

[669] https://people.com/crime/biden-signs-bill-pulse-nightclub-national-memorial/

[670] https://www.bizjournals.com/orlando/news/2021/06/21/pulse-memorial-takes-big-step-toward-construction.html; and https://orlando-sentinel-conversations.libsyn.com/pulse-5-years-later-barbara-poma-theres-a-hate-problem-in-this-country-ep-2.

[671] https://www.aam-us.org/2020/11/30/onepulse-many-perspectives-collaborating-with-diverse-stakeholders-to-develop-the-national-pulse-memorial-museum/

[672] "Despite setbacks and critics, Pulse foundation pushes forward on memorial and museum," Kate Santich and David Harris, *Orlando Sentinel*, June 10, 2021, https://www.orlandosentinel.com/2021/06/10/despite-setbacks-and-critics-pulse-foundation-pushes-forward-on-memorial-and-museum/.

> *that's when we break ground."*
>
> *Poma said she could not be more specific because she had not been given a timetable. The City's public information officer, Samantha Holsten, referred questions to the Orlando Utilities Commission, which is also involved in infrastructure work in the area, and the Florida Department of Transportation. An FDOT spokeswoman said the state's work, originally set for this year [2021], has been pushed back to 2023 to coordinate with utility improvements.*

However, when approached about the status of the Survivors Walk by WESH 2 on June 26, 2024, more than 6 months after the onePULSE Foundation dissolved, the City of Orlando claimed ignorance even though it deposited **$50,000.00** from the onePULSE Foundation for the project and had in its hands a contract executed by Deborah Bowie, the Executive Director of the onePULSE Foundation[673] Instead of acknowledging this contract and payment, the City said:

> *We are aware of previous discussions of a Survivor's Walk led by the onePULSE Foundation," a spokesperson said. "The City's involvement is through an existing roadway project along Orange Avenue that involves expanded sidewalks and landscaping improvements. Beyond that, we are not aware of any commitments that onePULSE made.*[674]

Emails obtained through Requests 24-8676 and 24-12248 show that there were years of continuous written communications between the onePULSE Foundation and the City of Orlando that included designs and detailed plans for the Survivors Walk. The City even had a designated contact for the project, Marty Hudson, who was also working with the onePULSE Foundation and multiple state and local agencies to help coordinate and push the project forward. According to the onePULSE Foundation's 2022 Strategic Plan, they believed the City and the Orlando Utility Company (OUC) were on track to complete the Survivor's Walk by June 2023. This, of course, did not happen.

Just months before onePULSE announced its dissolution, Bowie misled the public into thinking they were still on track to build the Survivor's Walk.[675] Financial records show that at this time the nonprofit would unlikely have been able to find the remaining $200,000.00 it agreed to pay the City for the project, as it was bleeding money.

To date, **the City** of Orlando **has still not publicly stated how the onePULSE Foundation's $50,000.00 for the Survivors Walk was spent** even though the project was completely abandoned. This money was donated to the nonprofit for this purpose and not for the City's general infrastructure projects. This question remains unanswered.[676]

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[673] https://www.wesh.com/article/onepulse-executive-director-leaves/45821697

[674] "In another blow to Pulse survivors, Orlando health Survivors walk isn't happening," *WESH 2 News*, June 26, 2024, https://www.wesh.com/article/pulse-survivors-orlando-health-survivors-walk-canceled/61423977.

[675] https://www.wesh.com/article/onepulse-foundation-next-steps/45670342

[676] https://www.wftv.com/news/local/it-could-have-been-so-much-more-pulse-survivor-walk-wont-happen/PB22PFAOIVAQRKEH4CBQWKHRPU/; https://www.wftv.com/news/local/it-could-have-been-so-much-more-pulse-survivor-walk-wont-happen/PB22PFAOIVAQRKEH4CBQWKHRPU/.

Between 2016 and 2023, the onePULSE Foundation reported revenue and expenditures exceeding $11 million for services and programs, including nearly $7 million allocated for the memorial and museum. Despite these significant claims and the nonprofit's expenditures, none of the nonprofit's building projects ever progressed beyond the design phase.

While failing to break ground, the onePULSE Foundation submitted quarterly reports required by Orange County, that show **the nonprofit – which was still being chaired by Orlando's Chief Protocol Officer appointed by the Office of the Mayor – misled the County of their progress by omitting details about the nonprofit's actual financial standing. This allowed them to continue to get access to the $10M TDT grant.**

In these reports, the nonprofit summarized its yearly actions but never provided concrete financial information. For example, in July 2023—months before the nonprofit announced their dissolution and broke their contract with Orange County and when it became clear that the nonprofit barely had enough funds to cover their salaries and was operating at a loss[677]—the onePULSE Foundation stated:

> *During the second quarter, the Foundation held its largest annual fundraising event, the 7th Annual CommUNITY Rainbow Run... This year's event had the most sponsors to-date…*
>
> *Design and Construction Committee members are working on the redesign of the National Pulse Memorial and Museum and are targeting to have a finalized new design, programing and estimating efforts completed by end of September/early October 2023. Meanwhile, underground utility work on Orange Avenue that includes "phase 1 "of the Orlando Health Survivors Walk began in July. This is an important step in the pre-construction efforts for the buildout of the Orlando Health Survivors Walk. The Foundation will coordinate with the Design and Construction committee for a public update on all three capital projects.*

While the onePULSE Foundation told the County that they have begun phase 1 of the Survivor's Walk, again, **the City claimed it had no knowledge of the project, even though the City's Chief Protocol Officer (appointed by the Office of the Mayor) was the nonprofit's chairman.** The Survivor's Walk was abandoned with nothing to show but $50,000 that was passed to the City of Orlando from the onePULSE Foundation and a contract with the City that was only signed by Deborah Bowie, then executive director, of the onePULSE Foundation.

The onePULSE Foundation's IRS tax filings, which were made public the following year after their dissolution and received an extension, showed that the nonprofit was spending more than it was bringing in. **Expenses in 2023 totaled $6.5M, but the organization brought in only $800,000.00**, leaving a

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[677] "Final IRS documents show how onePULSE Foundation fell into deficits," Ashlyn Webb, *WFTV*, October 18, 2024, https://www.wftv.com/news/local/final-irs-documents-show-how-onepulse-foundation-fell-into-deficits/JDZNO5HIMZE4NB7HUOHATUUBAY/.

$5.7M deficit.[678] These documents also show that the onePULSE Foundation was barely fundraising. While paying employees $1,333,889.00 in salaries, the onePULSE Foundation only received $636,253.00 in contributions and grants with a total revenue of $824,901.00.

Even though all operations reportedly ceased on December 28, 2023 when the onePULSE Foundation dissolved with the State of Florida, IRS tax filings representing the additional 6 months the nonprofit needed for the "total distribution of the organization's assets"[679] showed an additional $1,566.00 in revenue as contributions and grants.[680] According to the onePULSE Foundation's final 990, the total revenue listed during the year that onePULSE was no longer in existence was **$18,033.00**, which included investment income and other revenue from refunds.

The dissolved nonprofit also paid an additional **$86,372.00** in salaries, despite its dissolution and the fact that the 990 shows that none of the organization's officers, directors, trustees, key employees, and highest compensated employees were paid.[681] Because of this, we are not sure who was paid the reported **$71,832.00** or how the nonprofit continued paying employee benefits after their dissolution. Expenses were listed at **$829,845.00**, which included returned grants, showing a deficit of **$811,812.00**. The dissolved nonprofit also paid **$52,493.00** in legal expenses after its dissolution and **$12,893.00** in accounting expenses. After dissolving in debt, the onePULSE Foundation left Orange County taxpayers on the hook for a **$51,828.83** tax bill. This was in addition to making the County lose well over $1M, according to reporting, due to the onePULSE Foundation's failures.[682]

In December 2023, the Foundation quickly initiated dissolution proceedings, citing insolvency. **Notably, founder and former CEO Barbara Poma's salary increased from approximately $43,000 in 2017 to nearly $250,000 in 2022.** As revenue declined and seven years passed without ever breaking ground on the promised memorial, **salaries at the nonprofit increased and were paid for through the Federal Paycheck Protection Program (PPP) or Employee Retention Tax Credit (ERTC).[683] The nonprofit spent $1.3M in salaries in 2022[684] and in prior years those salaries were paid for with state funds.[685]** These financial inconsistencies raise questions about the Foundation's fiscal management and transparency. The nonprofit also misled the public by only disclosing its IRS Form 990 filings, which reported reduced salaries. The nonprofit did not disclose that executives were to be compensated with deferred salaries paid by taxpayers.

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[678] "IRS documents show millions lost by onePULSE Foundation before it dissolved," Ashlyn Webb, *WFTV*, October 18, 2024, https://www.wftv.com/news/local/irs-documents-show-millions-lost-by-onepulse-foundation-before-it-dissolved/.

[679] OnePULSE Foundation 990, 2023, Submission 2024-08-05, ObjectId: 202422189349300842, IRS.

[680] OnePULSE Foundation, 990, 2023, Submission 2024-08-05, ObjectId: 202402189349301030, IRS. This document is dated 2023 but technically represents 2024 financials.

[681] See pg. 8 of the 2024 990.

[682] "Orange County to pay $50k tax bill left by onePULSE Foundation," Curtis McCloud, *Spectrum 13*, March 26, 2024, https://mynews13.com/fl/orlando/news/2024/03/26/orange-county-to-pay--50k-tax-bill-left-by-onepulse-foundation.

[683] https://www.clickorlando.com/news/local/2023/08/08/new-documents-reveal-massive-pay-raises-for-onepulse-staff-still-no-memorial/ .

[684] https://www.wftv.com/news/local/questions-over-finances-remain-onepulse-foundation-moves-dissolve-organization/L5KTR3GU7FDUJM6O4TB4RWPUME/

[685] https://www.orlandoweekly.com/news/onepulse-spent-680000-in-state-taxpayer-funds-on-salaries-but-will-not-be-audited-by-state-35920851

These actions were taken by the nonprofit's leadership, even as Board Member Yolanda Londoño publicly stated that the foundation "will continue to answer questions and offer complete transparency on our activities and financial information." They were never transparent, and they never provided their financial information without significant redactions. They also never conducted a final audit, nor was there ever a forensic audit.[686]

Leaked financial documents further revealed that, a year prior to its dissolution, the foundation failed to meet its fundraising goals by substantial margins, missing targets by tens of thousands of dollars despite a fundraising scheme that relied on perpetuating the false narrative that the mass shooting had something to do with anti-LGBTQ+ hate. This shortfall suggests potential mismanagement of donor funds and raises concerns about the foundation's financial practices.[687]

Furthermore, **upon dissolution, the nonprofit's executive director Deborah Bowie announced to the public that refunds would be given to those who donated to the onePULSE Foundation,** which failed its mission.[688] However, **the following day it became clear that the nonprofit had no intention on issuing refunds to donors and backtracked on this statement.[689] The nonprofit never had a plan to issue refunds.[690]** Deborah Bowie again misled the public.

There were numerous donors who believed that the money they were donating to the onePULSE Foundation was not only going to the memorial construction but was also going to help fund the ongoing needs of victims' families and survivors. Neither was true, as the bulk of the nonprofit's revenues went to pay inflated salaries, travel expenses for CEO Barbara Poma, and ancillary programs that actually relied on the contributions and expenditures provided by other nonprofits. This is yet another example of the pattern that the onePULSE Foundation's leadership had of telling the public what they wanted to hear to thwart justifiable criticism, conceal what was really going on, and stop questions. Regardless, a number of donors sought refunds when they learned the nonprofit was dissolving and completely abandoned its mission.[691]

Another significant issue and why an audit should have been conducted is that the financial

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[686] https://www.orlandosentinel.com/2024/03/24/editorial-sifting-through-the-ashes-of-onepulse-foundation-and-finding-only-failure/

[687] https://www.wftv.com/news/local/questions-over-finances-remain-onepulse-foundation-moves-dissolve-organization/L5KTR3GU7FDUJM6O4TB4RWPUME/

[688] https://www.orlandoweekly.com/news/onepulse-will-return-donations-given-for-now-scrapped-pulse-orlando-museum-project-35393333

[689] https://www.orlandoweekly.com/news/onepulse-backtracks-on-refunding-donations-for-its-now-scrapped-orlando-pulse-museum-35406903;

[690] https://www.wesh.com/article/onepulse-donation-refund/45727260; https://www.fox35orlando.com/news/onepulse-foundation-does-not-plan-to-return-individual-donations-after-canceling-museum-plans; https://www.clickorlando.com/news/investigators/2023/12/05/watchdog-onepulse-donors-have-little-chance-of-being-refunded/;

[691] https://digitaledition.orlandosentinel.com/tribune/article_popover.aspx?guid=1445b015-0857-493e-8514-e9652734a3ff

information that was disclosed by the onePULSE Foundation indicated that there was at least $1.7M in restricted donations.[692] However, when the onePULSE Foundation handed money over to the Central Florida Foundation—a nonprofit Mayor Buddy Dyer and others in the City frequently turn to (and that was initially standing in line to get the money collected by the City through the One Orlando Fund in 2016)—the onePULSE Foundation did not give them anywhere close to the amount they should have had earmarked for their scholarship program. According to our analysis of what was disclosed by the onePULSE Foundation via news announcements, 990s, and audits, **the nonprofit should have had over $400,000.00 remaining in restricted donations for scholarships.**[693]

We were told by a former employee that some of this money was returned to a major donor. However, **there were still funds designated for the scholarship program that were never accounted for and 990s from the Central Florida Foundation do not show a donation to the nonprofit for any amount close to what the onePULSE Foundation should have had left.** It is worth noting that the Central Florida Foundation has also not been transparent, does not disclose the names of large donors on its 990s, and has refused to provide this information when asked over the phone or via email.

More Conflicts of Interest and Policy Violations

Barbara Poma's dual role as the co-owner of the Pulse nightclub property and CEO of the onePULSE Foundation presents a significant conflict of interest, **especially considering the property tax payments** made by the onePULSE Foundation that allowed Poma to maintain ownership of the property for seven years—only to sell it to the City of Orlando for $2M in 2023. These payments were in addition to monthly maintenance costs, improvements to the property paid through the nonprofit, Poma's salary, and many other financial benefits she received as Founder and CEO of the onePULSE Foundation.

After the tragedy, Poma declined a $2.25 million purchase offer from the City of Orlando for the nightclub property, opting instead to transfer the property to two LLCs under her control for a nominal sum of $100. Again, reporting shows that the Pomas, who were the only owners of the nightclub at the time in 2016, wanted the City to pay them $4M—more than 4 times what the property was worth.[694] This maneuver raises questions about her intentions and the potential for personal financial gain, **especially after it was revealed in 2023 that the City of Orlando rushed to purchase the PULSE property without an appraisal for $2M** following Barbara Poma's ouster from the nonprofit she started. For the record, the appraisal was only completed *after* the purchase; the valuation occurred on Oct. 3, but the report was finished on November 1, a week after the City Council approved the purchase.

The City did this despite City Commissioner Jim Gray publicly raising questions about why the City did not seriously consider eminent domain, which would have likely saved taxpayers a considerable sum. Incidentally, Earl Crittenden, Chairman of Poma's onePULSE Foundation, is also an eminent domain lawyer. The Foundation was paying for Poma to maintain ownership of the property as the nonprofit paid the property taxes on Pulse.

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[692] https://www.wesh.com/article/onepulse-donation-refund/45727260

[693] https://www.pulsefamilies.com/post/onepulse-foundation-s-990s-audits-and-important-documents

[694] https://youtu.be/hMwe00CBxPw?si=cJqWnVkg6Opkw0uP

Again, in 2024 it was revealed that the Pomas received $1.3M as an insurance payout after the shooting. This is after the PULSE nightclub property underwent significant capital improvements paid for through the nonprofit, all of which were given to the Pomas.

Additionally, Poma continues to be involved in a negligence lawsuit filed by survivors and victims' families, alleging inadequate emergency exits at the nightclub contributed to the tragedy's severity.[695] These overlapping interests suggest violations of the foundation's conflict of interest policy and have always undermined the organization's integrity. However, as we were told by numerous paid employees, the Board of the onePULSE Foundation was not providing the proper oversight of the nonprofit's operations and served on the Board for their own public-facing image.

Ongoing litigation brought by victims did not stop Barbara Poma from using her Foundation to collect money using the names, photos, and stories of their murdered loved ones without permission of the families. **At one point, at least one mother of a murder victim sent a letter to the onePULSE Foundation demanding that they cease and desist from using her son's image and name to fundraise. They ignored the mother and continued to use her son's photo.**

More than a year before being forced out of the organization in April 2023 when it became clear that she was not going to donate the PULSE property that the nonprofit had been paying for all these years,[696] Poma was demoted from CEO to "Keeper of the Story." Deborah Bowie was then hired as Executive Director with the same $150,000.00 salary to run the nonprofit.[697] However, Poma also kept her executive salary and continued getting paid despite having no executive duties.[698]

The Mayor of the City of Orlando, John Hugh "Buddy" Dyer, had been aware of the violations at Pulse and the City's failure to bring the nightclub into compliance since at least 2016. The relationship between the Pomas and Mayor Dyer goes back to at least 2004 when Dyer offered the Pomas the City's rotunda for their kick-off party opening the nightclub and even spoke at this event. The nightclub opened one month after that opening party and a year later, the Pomas opened a restaurant inside City Hall called the Wildside Café and the City gifted them a palm tree through Chief of Staff Frank Billingsley.[699]

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[695] https://www.wesh.com/article/complaint-filed-against-pulse-co-owners/27350088

[696] https://www.wesh.com/article/pulse-owner-quits/43511273; https://www.clickorlando.com/news/local/2023/04/04/onepulse-founder-barbara-poma-parts-ways-with-foundation/; https://www.orlandosentinel.com/2023/04/04/onepulse-foundations-barbara-poma-leaves-organization/; https://www.fox35orlando.com/news/barbara-poma-founder-of-onepulse-foundation-leaves-nonprofit-organization.

[697] https://www.wftv.com/news/9investigates/onepulse-has-new-executive-director-its-critics-remain/ZCOCUPDKPRBL7MTCUNE46Z7MUY/

[698] https://www.orlandosentinel.com/2024/03/13/how-onepulse-broke-orlandos-heart/

[699] https://watermarkonline.com/2017/06/08/looking-back-on-a-gay-nightclub-that-almost-wasnt-looking-forward-after-a-massacre/

Despite knowing about a history of code violations at Pulse and the City never bringing the nightclub into compliance, Dyer continued to support Barbara Poma and the onePULSE Foundation. He spoke at many of the nonprofit's events and, as aforementioned, even had a seat on the nonprofit's Chairman's Ambassador's Council as the City sought to turn the site of the mass shooting into a tourist attraction and gentrification scheme for developing the SODO area of downtown. In 2023, when the issues with the nonprofit were covered widely in local reporting, the facts became undeniable, and its employees began jumping ship, Dyer, when asked, refused to resign.[700]

PULSE
49
Proclamation
OrlandoUnited

Mayor Buddy Dyer posing with Barbara Poma and Earl Crittenden: A joint proclamation between Orange County and the City of Orlando was presented to Barbara Poma on June 12, 2018.

When we began publishing the facts we found in public record requests about a history of code violations and unpermitted renovations (and that Pulse was operating as a nightclub, in violation of its Conditional Use Permit)**, we were told by a whistleblower who sat on the onePULSE Foundation Board that the board asked Barbara Poma about it during a meeting. Poma said it was true and that when they had an issue, they'd call someone at the City and the issue of non-compliance would go away.**

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[700] https://westorlandonews.com/orlando-mayor-buddy-dyer-refuses-to-resign-from-onepulse-foundation/

It was widely known that Frank Billingsley, Chief of Staff for Mayor Dyer at the time had a personal relationship with the Pomas' friend, Ron Legler (whose idea it was to start PULSE). Along with Mayor Buddy Dyer, they were on the Board of the nonprofit called See Art Orlando. Legler was also president of the Orlando Downtown Arts District Board, which Billingsley helped secure a 99-year Church Street lease for in 2003.

Another conflict of interest was with Earl Crittenden, the son of a Central Florida citrus baron who is also an eminent domain lawyer and became the onePULSE Foundation Board Chairman.[701] Like Barbara Poma, Crittenden had virtually no prior experience running a nonprofit with a mission as important as the one drafted by the onePULSE Foundation. As we stated above, Crittenden was appointed by Mayor Buddy Dyer as the City of Orlando's Chief Protocol Officer. And he also works for Gray Robinson— the same law firm that City Attorney Mayanne Downs was the President of when the shooting happened and where she worked as she oversaw city attorneys who prepared the City's legal defense documents to protect the City against "imminent civil or criminal litigation" victims/survivors.[702]

Downs was not only the President of GrayRobinson, which sponsored the onePULSE Foundation, but she was also the Managing Director and shareholder of the law firm.[703] As we described elsewhere in this report, Downs oversaw the City's legal defense preparation, which included the Permitting Timeline (*Appendix M*) that was created only days after the mass shooting—on June 19, 2016.

Downs used, and continues to use, her private email to conduct City of Orlando business despite our written requests not to for the sake of public transparency.

So, the same lawyers who were protecting the City of Orlando from litigation brought by Pulse victims were simultaneously claiming to assist the victims through the onePULSE Foundation.

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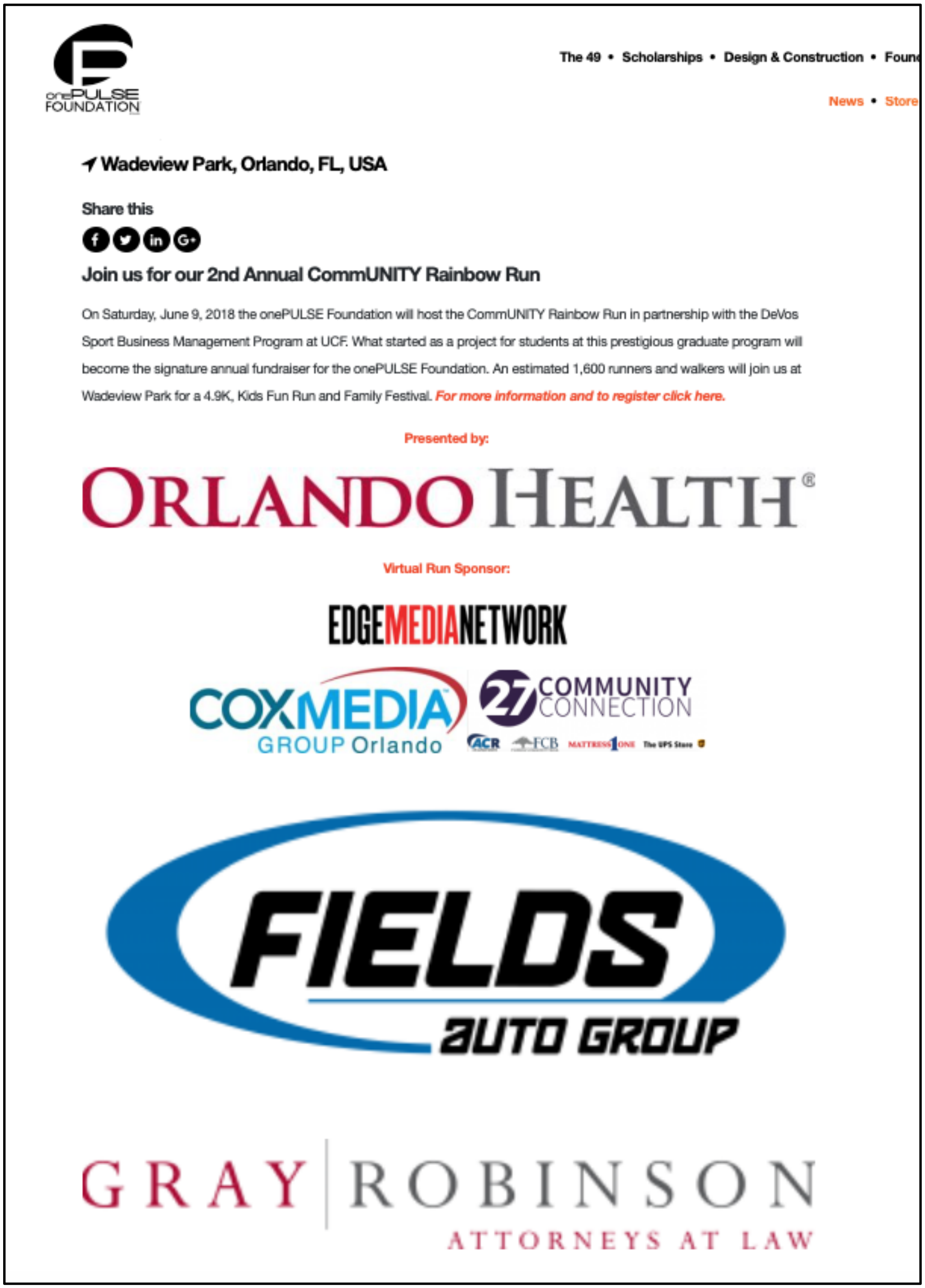
[701] https://www.yourcommunitypaper.com/articles/o-town-interview-earl-crittenden-jr-a-true-renaissance-man/

[702] https://www.gray-robinson.com/blog/post/1544/mayanne-downs-named-fourth-most-powerful-person-orlando

[703] https://www.gray-robinson.com/press-releases/post/4324/grayrobinson-shareholder-and-general-counsel-mayanne-downs-named-among-the-florida-women-power-100-by-city-state-florida


onePULSE FOUNDATION
The 49 • Scholarships • Design & Construction • Foun
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Wadeview Park, Orlando, FL, USA
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Join us for our 2nd Annual CommUNITY Rainbow Run

On Saturday, June 9, 2018 the onePULSE Foundation will host the CommUNITY Rainbow Run in partnership with the DeVos Sport Business Management Program at UCF. What started as a project for students at this prestigious graduate program will become the signature annual fundraiser for the onePULSE Foundation. An estimated 1,600 runners and walkers will join us at Wadeview Park for a 4.9K, Kids Fun Run and Family Festival. *For more information and to register click here.*

Presented by:

Virtual Run Sponsor:

ORLANDO HEALTH®
EDGEMEDIANETWORK
COXMEDIA GROUP Orlando
27 COMMUNITY CONNECTION
ACR
FCB
MATTRESS 1 ONE
The UPS Store
FIELDS AUTO GROUP
GRAY ROBINSON
ATTORNEYS AT LAW

Screenshot from onePULSE Foundation's website showing GrayRobinson as a sponsor for the 2nd Annual CommUNITY Rainbow Run: This is one of multiple sponsorships paid for by GrayRobinson.

In December 2023, we discovered that Downs facilitated the real estate deal between Craig Mateer and the onePULSE Foundation, which was forced to liquidate its assets prior to dissolution, for the property behind PULSE. The onePULSE Foundation acquired this property a year earlier. **This was done behind-closed-doors, as Mateer was Downs' personal client and reporting shows she was his**

reference when Mateer applied to be on the Board of the Greater Orlando Aviation Authority.[704] In 2024, Mateer was appointed by Governor Ron DeSantis to join the Board of the Central Florida Tourism Board District.[705]

Again, **Mateer is also the brother of Assistant City Attorney Jody Mateer Litchford and also employs Mayor Dyer's son, Trey Dyer.** Property records show RMS Investments LLC, the firm tied to Craig Mateer (who is also GOP megadonor), bought the lots at 21 W. Esther Street and 20 W. Kaley Street for $1M. This is half the price the City paid for the PULSE nightclub property, which is half the size of Mateer's properties and has the severely damaged and neglected nightclub building as opposed to a comparable office building in good condition.

The Special Warranty Deed was signed by George Kalogridis on December 15, 2023.

Another conflict of interest came from law enforcement, which should have been investigating the Pomas for negligence and inspecting the building. However, after lying about the police response, lying about the failure to follow Active Shooter Protocol, and failing to investigate the unpermitted renovations and code violations at PULSE, John Mina helped Barbara Poma fundraise for her nonprofit and was present at numerous fundraising events, most notably initiating and participating in the annual CommUNITY Rainbow Run.

FBI Agent Ron Hopper also helped Barbara Poma fundraise for her fraudulent nonprofit and appeared as a special guest at the onePULSE Foundation's Top Golf fundraiser held on March 31, 2022.

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[704] https://www.orlandosentinel.com/2021/03/02/gov-desantis-picks-bags-inc-founder-craig-mateer-for-orlando-airport-board/; https://www.orlandosentinel.com/2023/12/19/onepulse-quietly-sells-land-next-to-nightclub-property-to-private-buyer-even-as-orlando-takes-over-memorial-plans/; https://www.wesh.com/article/orlando-onepulse-land-sold/46191830.

[705] https://www.wftv.com/news/local/desantis-appoints-entrepreneur-craig-mateer-disney-district/5NR3PY2YHFCWVN4DK7IGASYBTU/; Also see, https://www.miamiherald.com/news/politics-government/state-politics/article305952801.html.

Former FBI agent Ron Hopper photographed with onePULSE Foundation’s Executive Director, Deborah Bowier, at the nonprofit’s TopGolf fundraiser. There was no federal investigation into the code violations and unpermitted renovations at the nightclub.

RAINBOW
GOALcfl
unity
Gay Officers Action League
GOALcfl
Central Florida
CommUNITY Rainbow Run
482

John Mina and Barbara Poma Over the Years: Photographed on the site of the massacre and fundraising for Poma's onePULSE Foundation for the nonprofit's CommUNITY Rainbow Run fundraiser. After the nonprofit dissolved, the City of Orlando continued fundraising off the tragedy by taking over this fundraising event.

Spared from mass murder in Walt Disney Springs (as that is where the shooter first surveyed to commit a mass shooting), the former President of Walt Disney World Resort, George A. Kalogridis, also partnered with Barbara Poma and sat on the OnePULSE Foundation's Executive Council serving as President of the nonprofit.

In 2021, Paul Oppedisano (a friend of the onePULSE Foundation's Vice Chairman George A. Kalogridis and who also worked at Walt Disney World) was hired as Interim Chief Executive Officer. He quit after 5 months. **Oppedisano's pay was not listed in the organization's 990s. There is no public record of him working for the onePULSE Foundation other than screenshots from the nonprofit's website. According to a onePULSE employee, Oppedisano was paid around $19,000.00 each month. However, there is no record of payment to Oppedisano in the organization's audit or IRS filings.**

Kalogridis also hired another friend, Joseph Wise, who we were told by former onePULSE

Foundation employees that the nonprofit did not want to make his name public because of his sordid history with the Duval County School Board, where he was fired in 2007 allegedly for reasons having to do with racism.[706] They did not want to risk him being affiliated with the nonprofit, which was already receiving negative media attention. **To keep payments from being disclosed, we were told that Kalogridis had them hired to work for the onePULSE Foundation through the business of another friend Terry Dola, who was Kalogridis' former assistant.[707] Neither Oppedisano, Wise, or Dola are named in the nonprofit's 990s, audits, or any public-facing financial documents.**

In yet another conflict of interest, the onePULSE Foundation hired the company of Board Member Kelly Lafferman, who owns the Winter Park marketing firm Findsome and Winmore to build and manage the nonprofit's website.[708] According to former employees, the company was paid very well and Board members were not concerned with enforcing the nonprofit's Conflict of Interest policy.

The number of people who knew about the variety of building and code violations and allowances at PULSE, suggest that this was not an issue of incompetence, lack of training, or error. Instead, it suggests a pattern of ongoing and repeated selective enforcement of the law by the City of Orlando and the Office of the Mayor of the Poma's, who employed off-duty Orlando police officers and operated a restaurant inside City Hall. The continued relationships between the Pomas and the City through the onePULSE Foundation impacted the Office of the Mayor's duty to taxpayers on the subsequent real estate deals and additional oversight of its own employees (those at fault and who helped cover it up were promoted in their City jobs rather than fired).

The onePULSE Foundation also questionably used taxpayer funds from federal grants and loans while Orlando's Chief Protocol Officer (appointed by the Mayor) was the nonprofit's Chairman. Further, the onePULSE Chairman was also partnered in a law firm with the City Attorney who was trying to protect the City against litigation brought by the victims.

After over 30 victims' families and survivors filed complaints about illegal renovations and code violations at the PULSE building, OPD should have recused itself from the investigation and passed it onto the State Attorney or FBI, due to its own conflicts of interest, but they did not. The Pomas employed several off-duty OPD officers for years at PULSE. The OPD are also public employees who report, ultimately to the Office of the Mayor and the Office of the Mayor was also involved in the cover-up.

The OPD then became a weaponized tool of the Office of the Mayor, and no true investigation was conducted. The OPD also is still concealing its own records that would prove that it did not follow its own Active Shooter Protocol policies.[709]

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[706] https://www.gainesville.com/story/news/2007/10/16/duval-county-superintendent-fired/31539637007/

[707] The onePULSE Foundation Strategic Plan (Updated: October 5, 2022).

[708] https://the32789.com/2024/05/22/winter-park-marketing-firm-celebrates-longevity-with-expansion/

[709] Public Records Request # 25-2609

Before the shooting, the Pomas hired John Mina's officers for off-duty security. After the shooting, PULSE owner Rosario Poma joined the board of the Orange County Sheriff's Foundation to raise money for John Mina's office (after Mina was elected Orange County Sheriff from his previous role as OPD Chief). Mina joined with Barbara Poma to help fundraise for the onePULSE Foundation.

Given the evidence presented, it is clear they all pushed out a false narrative so they could ultimately all benefit – whether it be for political gain, personal wealth or ultimately profit for the City through tourism.

In a confidential memo dated September 15, 2023, written by former onePULSE Foundation Executive Director Deborah Bowie, she documents a number of unethical and illegal activities done by the nonprofit's leadership. She stated:

> *In November 2022, I learned of several concerning operational issues at OPF that highlighted managerial failings in the daily operations of the Foundation. Specifically, a part-time employee registered as such in the organization's payroll portal despite the fact the employee was earning a wage of a full-time employee with PTO, and employee benefits. This employee was a shared employee with the Foundation and the Founder's personal business.*
>
> *Later, I learned of significant personal real estate deals involving the Founder, a board member, and a paid employee. Her failure to report the compensation to the Board of Trustees would seem to reflect, at a minimum, a violation of Section 9.5 in the Conflict of Interest Policy ("an interested person must disclose the existence of his or her financial interest and all material fact to the trustees and members of the committee with board delegated powers considered the proposed transaction or arrangement") and at most, an indisputable lack of transparency.*
>
> *The failure to disclose large personal gains ($6.5M) as a paid full-time staff member with dual responsibilities as a voting member of the Board had significant relevance of the Board's negotiated terms to purchase the Pulse Night Club property from the Founder and the reputation of the organization in the community should the real estate transactions become known…*
>
> *…last week I learned of yet another operational and financial issue regarding the Foundation's use and adherence to donor-directed grants in the Legacy 49 scholarship program. I have detailed accounting that I will not delve into here, but suffice it to say there appears to be roughly $235,000.00 worth of donor-directed funds that were not followed by the Foundation with response to how the funds were distributed in the program. This is a problem that deserves immediate attention and course correction.*
>
> *Finally, there seems to be a pattern of non-adherence to industry best practices with respect to decision-making and chain-of-command within OPD that must be addressed. The minutes of a July 2021 Board meeting, in which the Founder was named to the Board and an announcement was made to onboard a volunteer interim director, do not reflect a Board-approved decision to pay the volunteer $69,000.00 for his four-month engagement with the Foundation. A contract*

> *bearing the Chairman's signature should be reflected in the Board minutes and should have received a Board affirmative vote. If there is a record to support this action, I will correct this statement. However, the hard public scrutiny of a [sic] paying a "volunteer" interim director of a non-profit with a mission to memorialize a mass shooting $200/hour (annualized at $416,000) would be crushing. Not to mention, the Founder retaining her Executive Director salary after she was removed as ED in April 2021 and being paid that rate during the interim's assignment.*
>
> *These actions would be difficult to explain by themselves much less on the heels of the ERTC [Employee Retention Tax Credit] funding story highlighting the conflicts of interest involving the Founder and her role at the Foundation.*
>
> *I do not know what else I may uncover in the coming months at the Foundation; however, I believe we must accept that mistakes have been made with regard to governance and oversight. I am sure we're all in agreement that we must move past them, and never make them again. We should prepare for the possibility of the Founder's rebuttal to these concerns that she was not provided with proper Board supervision with respect to her role as the Executive Director given that there was no annual review of her performance and her lack of experience as a non-profit executive in leading the organization…*
>
> *The closing down of the Foundation will trigger a tsunami of public scrutiny, and potentially end with a call for a forensic audit, to which each Board member would bear individual responsibilities—i.e., public perception and possibly legal ramifications—as fiduciary agents for the organization not to mention irreparable harm to reputation for all decisions made now becoming public.*

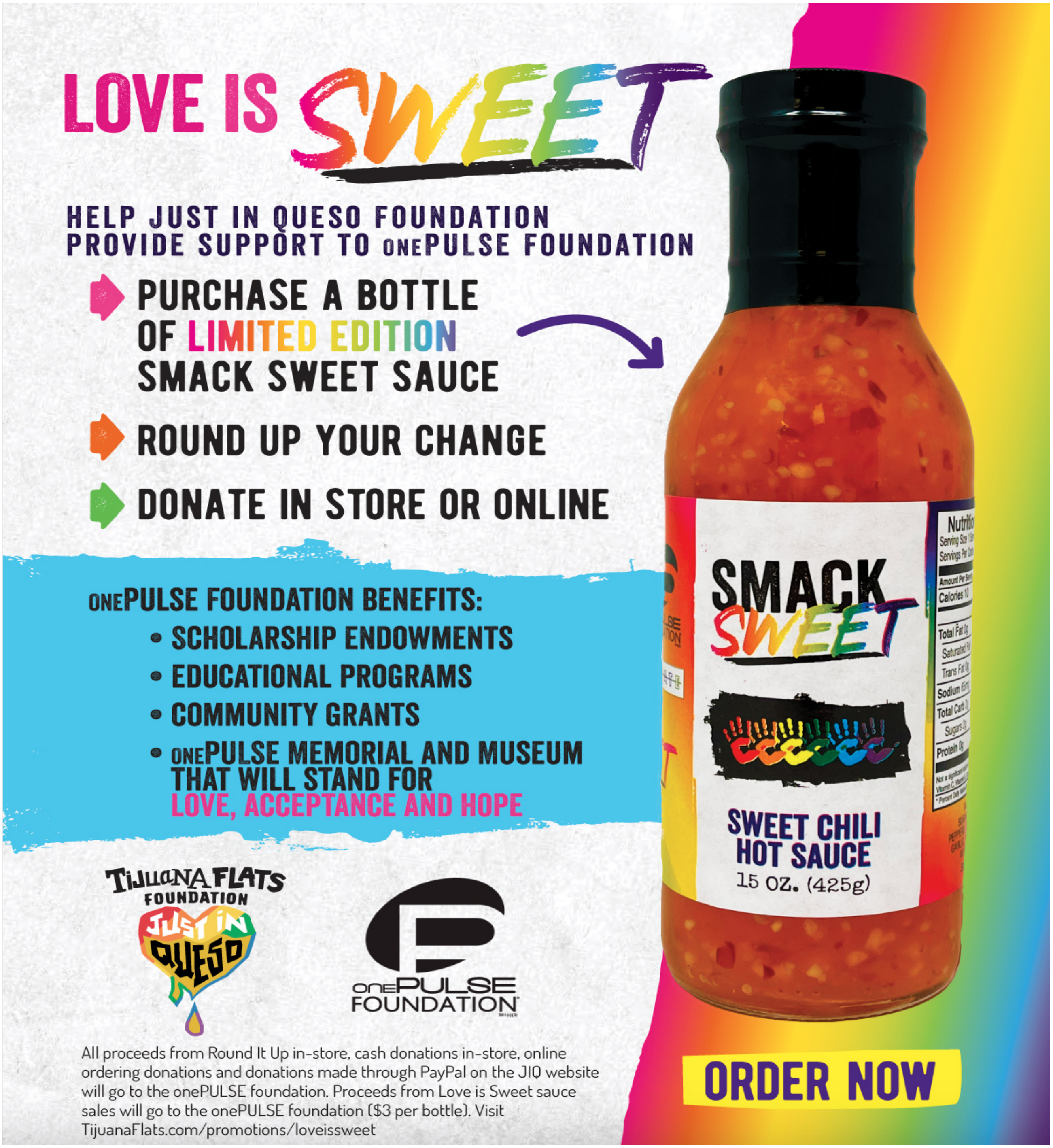
Bowie chronicled conflicts of interest, a Board of Trustees who failed to do their fiduciary duty, and numerous other financial issues with the organization. Furthermore, despite discussions of shutting down, scaling back the memorial, selling assets, and eliminating non-essential positions, the onePULSE Foundation continued to put on a public face that denied these realities. This misalignment between fundraising appeals and actual fund allocation indicates potential fraudulent misrepresentation to donors and the public.

This very issue was submitted to the Florida Department of Agriculture and Consumer Services (FDACS), which is supposed to oversee nonprofits in the State of Florida. In the investigative interviews conducted by FDACS in response to the complaints filed, Executive Director Deborah Bowie made inaccurate and false statements to the investigator, ultimately protecting herself and the organization by providing inaccurate information about the nonprofit's fundraising efforts.

In short, the onePULSE Foundation continued fundraising with its old mission statement years after it changed it, misleading donors into believing they were still financially helping victim's families and survivors through community grants. The onePULSE Foundation removed community grants from its mission in 2019 and was not providing financial assistance to victims/survivors the previous year. In fact, for years the nonprofit turned survivors away who approached them for financial assistance.

However, this did not stop them from fundraising for “community grants” as late as the summer of 2022.

It is possible that Bowie did not know about this fraudulent misrepresentation because she joined the onePULSE Foundation on June 28, 2022. This was done when Barbara Poma was leading the organization. However, regardless, she should not have made an inaccurate statement to investigators, shielding the nonprofit, protecting Poma, and leading to FDACS temporarily closing the “investigation.” Bowie should have handed them all of the information she had about the onePULSE Foundation’s unethical and allegedly illegal practices. She did not, but, instead, leaked internal documents to us and the media.


SMACK SWEET
SWEET CHILI HOT SAUCE
15 OZ. (425g)
TIJUANA FLATS FOUNDATION
JUST IN QUESO
onePULSE FOUNDATION

LOVE IS SWEET

HELP JUST IN QUESO FOUNDATION PROVIDE SUPPORT TO onePULSE FOUNDATION

- PURCHASE A BOTTLE OF LIMITED EDITION SMACK SWEET SAUCE
- ROUND UP YOUR CHANGE
- DONATE IN STORE OR ONLINE

onePULSE FOUNDATION BENEFITS:

- SCHOLARSHIP ENDOWMENTS
- EDUCATIONAL PROGRAMS
- COMMUNITY GRANTS
- onePULSE MEMORIAL AND MUSEUM THAT WILL STAND FOR LOVE, ACCEPTANCE AND HOPE

All proceeds from Round It Up in-store, cash donations in-store, online ordering donations and donations made through PayPal on the JIQ website will go to the onePULSE foundation. Proceeds from Love is Sweet sauce sales will go to the onePULSE foundation ($3 per bottle). Visit TijuanaFlats.com/promotions/loveissweet

ORDER NOW

Email advertisement from Tijuana Flats for the onePULSE Foundation Fundraiser: The brochure states it was raising money for "community grants" on June 2, 2022. When we notified Tijuana Flats that onePULSE no longer offered community grants to victims/survivors, Tijuana Flats responded, "Thank you so much for bringing this to our attention. This flyer was remade from our previous campaign and was not updated." This means that the onePULSE Foundation allowed Tijuana Flats to fraudulently claim they were raising money to help victims/survivors for three years after "community grants" were removed from the nonprofit's mission and they refused to offer help to survivors who came to them for financial assistance.

When presented with the evidence that Bowie made a false statement to investigators, FDACS re-opened the case, although the investigator working on the case ended up leaving FDACS weeks later. In April 2024 FDACS notified us that the case was referred to the Florida Attorney General.[710] However, when we followed up with the Florida AG, they claimed to have no record of it and stated that this was a matter for FDACS. In other words, the investigation was stalled as it was pushed between State agencies.

The nonprofit also questionably used taxpayer funds from federal grants and loans while Orlando's Chief Protocol Officer (appointed by the Mayor) was the nonprofit's Chairman. We submitted complaints to the federal government about how the onePULSE Foundation used a grant from the Department of Homeland Security that was awarded in 2022 under its Targeted Violence and Terrorism Prevention Grant Program, which fights online radicalization, violent extremism and other hate-based calls for violence.[711] We were surprised that DHS even gave the onePULSE Foundation this **$247,900.00** grant to "fight hate" through its questionable "education" programs, when the massacre at PULSE was not a hate crime. Regardless, the onePULSE Foundation did not use this money and wasted over $100,000.00 in taxpayer funds.

The resulting investigation stated that the onePULSE Foundation was dissolving and that DHS would not give the nonprofit the remaining $140,540.50.[712] Regarding the money that was already spent, DHS determined that the nonprofit was "meeting their performance goals," which were not due to be completed until the Fall of 2023 and Winter of 2024. Since the onePULSE Foundation was dissolving prior to these completion dates, they were not held accountable for spending $105,448.00 in projected wages and $16,875.00 in fringe benefit expenditures, which were approved by DHS for the Project Spending Quarters 1-8. Still, the complaint was forwarded to DHS/OIG for further review.[713]

The issues with this grant, however, are that the onePULSE Foundation created a shell website that was not the educational platform they promised.[714] Furthermore, the "educational" programs they delivered should be further investigated by federal authorities. In short, they had nothing to do with hate or terrorism prevention, nor did they constitute true educational content. Rather, most of the programs were film screenings and poorly attended discussions about those films. The topics pertained to polyamory,[715] the "transgender experience,"[716] and what the world would be like if straight people were the minority and gay people were the majority.[717] There were no legitimate educational assessments and nothing that pertains to the goals of DHS and the grant.

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[710] Case 2311-41872, FDACS. Also see, 2311-41199 and 1909-36480.

[711] https://www.orlandosentinel.com/2022/09/20/onepulse-foundation-receives-homeland-security-grant-to-fight-hate/

[712] https://www.wftv.com/news/local/department-homeland-security-reviews-complaint-onepulse-foundation/I6XU6PADFVFERFAJKEHAFYOBLI/?outputType=amp

[713] MFIB Case# MF—394—2023 DHS/OIG Case # C2403835.

[714] https://www.pulsefamilies.com/post/onepulse-foundation-and-the-department-of-homeland-security-dhs-grant

[715] https://youtu.be/FsPnx7NMfIw?si=-TaT9cBouk1uidmA

[716] https://www.youtube.com/watch?v=RYP2n_O-MeM

[717] https://youtu.be/rBJzpxTOqxg?si=UMKfu6mDF-i6J7Pv

The "Conversation Starter Series" was also funded through another $100,000.00 grant from the Central Florida Foundation.[718] DHS paid over $100,000.00; Dr. Earl Mowatt wase paid a six-figure executive salary of $109,870.00 as Vice President of Education for a fraudulent nonprofit.[719]

It should be noted that Mowatt's LinkedIn profile is as questionable as the work he did with the onePULSE Foundation. Under the nonprofit, he wrote the following about his "professional" roles and contributions:

> *Project Director: Department of Homeland Security Targeted Violence and Terrorism Prevention Grant*
>
> *Oct 2022 - Dec 2023 1 year 3 months*
>
> *Orlando, Florida, United States*
>
> *Developed a comprehensive, multi-disciplinary, empathy-based youth prevention program to promote prosocial behavior and reduce hostile aggression ideation. Collaborated with cross-functional teams to identify project goals and outcomes, creating a shared vision and facilitating effective project execution. Managed project budgets, ensuring the optimal allocation of resources and expenditures in accordance with grant guidelines and organizational policies*
>
> *Vice President of Education Programs*
>
> *Oct 2019 - Dec 2023 4 years 3 months*
>
> *Orlando, Florida, United States*
>
> *Established a comprehensive program framework aligned with the foundation's mission of belonging, inclusion, and remembrance; Developed strategic plans, curriculum models, and assessment methodologies for program development; Implemented data-driven strategies to identify program improvements and innovation opportunities, resulting in enhanced outcomes and community impact; Cultivated relationships with potential funding sources; Ensured project completion within approved deadlines and budgets.*

As DHS noted in its investigation, the projects were never completed before the nonprofit dissolved. There is no evidence of any curriculum models or assessment methodologies. We have also seen zero evidence of community impact.

In addition to the DHS grant, the onePULSE Foundation also received and was forgiven a total of **$370,735.00** (not including interest) through the federal Paycheck Protection Program (PPP) during the

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[718] https://cffound.org/10000-grant-allows-onepulse-foundation-to-take-vital-programming-virtual/

[719] https://youtu.be/dULTUJecniQ?si=bbVIfU6iEDfZMOOo; https://www.clickorlando.com/news/local/2023/08/08/new-documents-reveal-massive-pay-raises-for-onepulse-staff-still-no-memorial/.

Covid-19 pandemic. The first round was approved on April 15, 2020, for **$166,500.00** by Seacoast National Bank.[720] The second round was approved on January 22, 2021, for **$204,235.00**, also by Seacoast National Bank.[721] What is disturbing about this is not just the inflated salaries that these funds paid for, but that all the executives continued working at a reduced rate. When we publicly criticized them for their pay, the onePULSE Foundation claimed that they took a pay cut. However, once the PPP loan money was distributed and were reported on the nonprofit's 990s, we saw that the Employee Retention Credit, which was enacted as part of the CARES Act, was actually used to repay those pay cuts taken in 2020 and 2021.[722]

As a result, the nonprofit's executives enjoyed a 50% pay bump in 2022, with Barbara Poma benefitting the most, as she received **$95,080.00** on top of her **$150,000.00** salary prior to parting ways with the organization in April 2023. In total for the 2022 tax year, Barbara Poma received **$249,580.00**, which was a **147%** jump from the previous year.[723] That was also the year that she stepped down as an executive and was relegated to "Keeper of the Story," with no executive duties. It is worth noting that **in salary payments alone, Barbara Poma received $762,104.00** according to the onePULSE Foundation's 990s. This amount does not include other personal financial benefits she received from her nonprofit (i.e. property tax payments, property maintenance costs, travel expenses, property improvements, etc.). Poma's total financial benefit could only be calculated through a forensic audit, which to date has never been done.

Reimbursing inflated salaries obviously did not keep the organization from staying afloat or retaining its employees but simply allowed the organization's biggest grifters to continue to milk the mass shooting for every dime they could possibly get—in this instance, inflated salaries paid for by the U.S. taxpayer.[724]

Profiting Off of Mass Murder

Not all the Pomas' actions were illegal—some were simply unethical, shameless, and deeply immoral, reflecting a complete disregard for integrity and human decency. Barbara Poma was not a wealthy philanthropist who started a nonprofit out of the goodness of her heart to build a memorial for victims, as her PR team has desperately worked to make the world believe. She started the onePULSE Foundation as a new and more lucrative business venture.

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[720] https://projects.propublica.org/coronavirus/bailouts/loans/onepulse-foundation-inc-9090057100

[721] https://projects.propublica.org/coronavirus/bailouts/loans/onepulse-foundation-inc-3800888303

[722] https://www.orlandosentinel.com/2023/09/08/facing-setbacks-and-survivors-frustrations-pulse-foundation-leaders-boosted-pay-with-tax-credit/

[723] https://www.clickorlando.com/news/local/2023/08/08/new-documents-reveal-massive-pay-raises-for-onepulse-staff-still-no-memorial/

[724] It is worth noting that the law firm of City Attorney Mayanne Downs, Gray Robinson PA, received and was forgiven over $10M in PPP loans from Ameris Bank, despite maintaining extensive contracts with local governments including Orange County and the City of Orlando. This is also the employer of onePULSE Foundation Board Chairman Earl Crittenden. See, https://projects.propublica.org/coronavirus/bailouts/loans/gray-robinson-pa-8754247206.

The serious allegations of financial misrepresentation, conflicts of interest, and fraudulent activities within the onePULSE Foundation necessitate a comprehensive criminal investigation. Such an inquiry would determine the extent of any wrongdoing, ensure accountability, and restore public trust in charitable organizations established to support victims of tragedies. It took years of public awareness campaigns, social media postings, video production, protests, press conferences, and political engagement to successfully stop the onePULSE Foundation and expose Barbara Poma for her exploitation of PULSE victims/survivors and the larger LGBTQ+ community.[725] OnePULSE leaders were not going to stop the grift on their own.[726]

Nonprofit CEOs who have engaged in similar activities, like the CEO for the Florida Coalition Against Domestic Violence (FCADV) Tiffany Carr, have been arrested and charged with the felonies organized scheme to defraud, grand theft, and official misconduct.[727]

Furthermore, the onePULSE Foundation capitalized on the grief of the LGBTQ+ community and national interest to build a memorial, similar to the leaders of the "We Build The Wall" crowdfunding campaign, which resulted in multiple indictments surrounding misleading donors and misappropriating funds for their own benefit.[728] Yet, for some reason, the onePULSE Foundation has had zero oversight and its leaders have had zero accountability for years.[729]

Barbara Poma was not the only individual to profit or engage in potentially unethical—and possibly criminal—behavior. Pamela Schwartz, a low-level museum curator who after the shooting became Executive Director of the Orange County Regional History Center, created an ill-informed plan to collect "artifacts" from public memorials across Orlando.[730] Lacking any personal connection to the victims, Schwartz rapidly leveraged the tragedy to build her career, framing herself as a "national authority" in the ethically fraught practice of transforming the aftermath of mass shootings into museum exhibitions, which she started.

Despite widespread acknowledgment of the exploitative and colonial histories of museums—including their roles in looting and collecting sacred or culturally significant objects—Schwartz ignored these histories entirely. Instead, Schwartz, in her role at the Orange County Regional History Center, found a new vulnerable population to exploit: victims of mass shootings and the traumatized LGBTQ+ community in Orlando following the PULSE massacre.

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[725] "Dear WEHO: Pulse Nightclub's Barbara Poma Isn't What She Seems," *WEHO Online*, December 9, 2022, https://wehoonline.com/dear-weho-pulse-nightclubs-barbara-poma-isnt-what-she-seems/; "Pulse nightclub owner Barbara Poma will no longer make money off the massacre," Brandon Ross Garcia, *WEHO Online*, April 5, 2023, https://wehoonline.com/pulse-nightclub-owner-barbara-poma-will-no-longer-make-money-off-the-massacre/.

[726] https://wehoonline.com/pulse-nightclub-owner-barbara-poma-will-no-longer-make-money-off-the-massacre/

[727] https://www.fdle.state.fl.us/News/2023/September/FDLE-Former-FCADV-CEO-has-been-arrested

[728] https://blog.charitywatch.org/leaders-of-we-build-the-wall-crowdfunding-campaign-charged-with-defrauding-donors-more-than-25-million-was-raised-despite-red-flags/

[729] https://www.wesh.com/article/wesh-2-investigates-finances-related-to-onepulse-foundation-memorial-amp-museum/28126702

[730] Reflections from Central Florida, Historical Society of Central Florida, Spring 2021, Vol. 19 No. 1.

Within hours of similar tragedies occurring elsewhere, Schwartz began contacting stunned and grieving communities, encouraging local museums to adopt her aggressive collection tactics that she dubbed "rapid response collecting."[731] This included Ventura County (CA) and Boulder (CO) following the mass shootings there. Her approach involved the rapid acquisition of personal items from public memorials, often without meaningful consent, transparency, or sensitivity to survivors and victims' families.

At the onePULSE Foundation's *Culture of Remembrance* Symposium in 2022, Schwartz was publicly challenged about this approach. When asked whether she would consider waiting to contact bereaved communities until after victims had at least been laid to rest, she dismissed the concern, stating that if she waited, it would be "too late." The comment revealed a disturbing prioritization of collecting over compassion—of institutional gain over human dignity.

Locally, Schwartz positioned herself as the sole authoritative voice on how to curate and preserve the PULSE tragedy. She presented herself as the key figure ensuring the onePULSE Foundation's proposed museum would be done "correctly," even as critics within and beyond Orlando questioned the very ethics of turning such unresolved trauma into museum exhibits. Rather than honoring the memory of the lives stolen, her work raised urgent questions about who gets to tell the story of mass violence, and at what cost.

The Orange County Regional History Center, whose other exhibits have been openly criticized for their racial bias and other issues, supported Schwartz and her strategy to turn the massacre into a museum—as well as the recognition she received working with the onePULSE Foundation. However, behind closed doors, Schwartz was known by many employees she managed at the History Center as someone who created a toxic workplace. It was so much an issue that Orange County launched an investigation into Schwartz led by Lonnie Bell. Unfortunately, before the investigation was completed and he was able to follow up with employees' rebuttals, Bell died unexpectedly and Schwartz faced zero accountability.

In the County's investigative report, **employees accused Schwartz of** having an inappropriate relationship with an artist she hired through the museum, **secretly removing a bullet from the PULSE crime scene**, and conflicts of interests with working with both the History Center and the onePULSE Foundation. The investigation substantiated some of these allegations and, even though there was no investigative follow up after employees responded to Schwartz's denials, the County did later investigate her conflicts of interest with the onePULSE Foundation.

These conflicts made local headlines, as it was revealed that Schwartz was taking two salaries for overlapping job responsibilities; being paid $95,000 by the onePULSE Foundation and nearly $120,000 by the County.[732] Months later, Schwartz announced her resignation and got a job as

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[731] Lessons From Pulse: History Center Creates Guide For Cultural Institutions In Wake Of Mass Shootings, Matthew Peddie, *WLRN Public Media*, June 12, 2019, https://www.wlrn.org/news/2019-06-12/lessons-from-pulse-history-center-creates-guide-for-cultural-institutions-in-wake-of-mass-shootings; Also, https://online.ucpress.edu/tph/article-abstract/40/1/105/90936/Rapid-Response-Collecting-after-the-Pulse?redirectedFrom=PDF.

[732] "Orange auditors see conflict in county employee's work for onePULSE," Stephen Hudak, Orlando Sentinel, September 11, 2024, https://www.orlandosentinel.com/2024/09/11/orange-auditors-see-conflict-in-county-employees-work-for-

Managing Director with THINC Design, a New York City design firm she was introduced to through her work with the onePULSE Foundation.[733]

It is important to note that Schwartz became a personal friend of Barbara Poma[734] and the Orange County Regional History Center had on its Board GrayRobinson attorney Heather Ramos. Furthermore, Orlando City attorney Kyle Shephard was also heavily involved with the History Center, served on the Board, and was a donor.[735] According to emails sent to Mayor Buddy Dyer after the shooting, Shepard's brother in-law Ed Maerkl worked C shift at OFD Station 1 on Engine 101 and hazmat.[736]

National politics have recently brought to the forefront accusations of waste, fraud, and abuse that happens particularly in the name of Diversity, Equity, and Inclusion (DEI). We have witnessed the nefarious actions of the City officials in conjunction with the onePULSE Foundation, including how its leaders misspent taxpayer dollars for self-enrichment and how LGBTQ+ issues and mass murder continue to be exploited through our nation's nonprofit tax code. What the Barbara Poma, the onePULSE Foundation, its leaders, and its Board were allowed to do for years—against the wishes of the majority of PULSE victims/survivors—is symbolic of why legitimate oversight and accountability is necessary.[737]

Nonprofits and all involved should not be able to mislead the public for years, pocket millions in donations and taxpayer-funded grants, voluntarily dissolve without a forensic audit, and then keep their financial records from the public.[738]

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onepulse/; "Questions over finances remain as onePULSE Foundation moves to dissolve organization," Ashlyn Webb, *WFTV*, November 22, 2023, https://www.wftv.com/news/local/questions-over-finances-remain-onepulse-foundation-moves-dissolve-organization/L5KTR3GU7FDUJM6O4TB4RWPUME/; Also, https://www.youtube.com/watch?v=4uWcIWJQ1YA and https://www.facebook.com/watch/?v=462342760127731.

[733] See, https://www.thehistorycenter.org/wp-content/uploads/2024/03/Orange-County-Announces-Departure-of-History-Center-Executive-.pdf

[734] https://www.aam-us.org/2020/11/30/onepulse-many-perspectives-collaborating-with-diverse-stakeholders-to-develop-the-national-pulse-memorial-museum/

[735] Email, Kyle Shephard to Byron Brooks, Subject: Re: Preservation of Items from Pulse, June 20, 2016, City of Orlando. Also see, *Reflections From Central Florida*, Historical Society of Central Florida, Fall 2017, Vol 15, No. 4.

[736] Email, Megan Markl to Buddy Dyer, June 15, 2016, Subject: Re: Cory James Connell-Pulse shooting victim, City of Orlando.

[737] https://periodismoinvestigativo.com/2024/04/people-onepulse-foundation-left-behind/.

[738] https://www.wesh.com/article/onepulse-dissolved-wheres-money/61102518

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PULSE Travelling Memorial: From Right to Left, Barbara Poma, Pamela Schwartz, and Rosario Poma holding up a sign for a traveling "memorial" shortly before the dissolution of the onePULSE Foundation.

Conclusion

When we submitted this report to the FBI and the State Attorney's Office in June 2025, we knew that the City of Orlando was making moves to demolish the PULSE nightclub building, destroying any evidence that remained, to build its memorial. We notified them that there was a limited window to act if any legitimate investigation was to take place. We asked the City for an independent building inspection before it demolished the building and even offered to pay for it. Of course, the City refused and ignored our request. We asked them to not only investigate the unpermitted renovations and code violations at PULSE, but to also investigate the Pomas, the onePULSE Foundation, and the City of Orlando—particularly the Office of the Mayor, as well as the Zoning and Permitting Divisions.[739]

This report, like our first report *They Knew*, is meant to serve as an updated guide for an official Independent Investigation. Although we have done our best to conduct a thorough and extensive investigation using the resources that are available to us as members of the public, our investigative reports are limited to what's publicly available and what we are able to discern through community organizing and qualitative research. While we have tried to document everything as comprehensibly as possible, there are likely significant issues that we have unintentionally left out. Furthermore, we are still in the process of acquiring new records that have previously not been made available to us.

Instead of attempting and failing to discredit our findings with illegitimate conclusions, as the OPD tried to do with their 2024 "investigative" report, we called upon the State Attorney's Office and/or the FBI to continue the work we have started and to pursue justice. Law enforcement agencies have access to records that are beyond our reach, such as unredacted police body camera footage and complete CCTV surveillance footage. **And these agencies have subpoena power, which neither we nor the media has.**

We are now asking the Florida Legislature launches and Independent Pulse Truth and Accountability Commission.

While we have gathered enough evidence to reveal the facts, only a true, independent Commission, working with law enforcement, can obtain and review these original records in their entirety to confirm what survivors already know from experiencing it first-hand.

We also implored future investigators to corroborate what people say with the evidence available. In response to our complaints about the onePULSE Foundation to the Florida Department of Agriculture and Consumer Services (FDACS), **we found through public records that investigators were told**

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[739] "Pulse survivors demand third-party investigation into code violations, club owners" McKenna Schueler, *Orlando Weekly*, October 27, 2023, https://www.orlandoweekly.com/news/orlando-pulse-survivors-demand-third-party-investigation-into-code-violations-club-owners-35368442.

inaccurate information that stalled and stopped the investigation into the now-dissolved nonprofit. When we provided the investigators with the evidence that contradicted what they were told by the nonprofit's Executive Director. They told us they "re-opened" the case. However, the investigator assigned to the case left FDACS and the investigation went nowhere. Their manager stated that the case was never re-opened in the system, even though the investigator was keeping track of the new information being sent to them. This was a managerial failure, as much as it was an investigatory one.

Another year passed. There was no evidence any investigation was moving forward. We decided we needed to bring this information to the public. We hoped this report would be used by authorities as a roadmap for a rigorous and meticulous investigation, but now we hope it will spur systemic change.

For example, this report also exposes the OPD's 2023-2024 "investigation" for what it was: flawed, deficient, substandard, and unacceptable. It pales in comparison to our own investigation in terms of scope, breadth, and depth. OPD never analyzed the thousands of documents and records we collected over years of public records requests. It never asked survivors questions pertinent to the underlying issues. It never inspected the building. What they produced was not an investigation — it was the minimum paperwork required to close a complaint.

Over and over again, we were shown that we, survivors of one of the deadliest mass shootings in the nation, cannot rely on our law enforcement agencies or public institutions to protect us. It took 10 years of sustained collective effort to expose facts the City had kept hidden before elected officials finally addressed them publicly in direct terms rather than through carefully managed talking points and evasive language.

The PULSE mass shooting was the deadliest mass shooting in U.S. history until the concert shooting in Las Vegas on Oct. 1, 2017. After the PULSE massacre, the City recognized that the deadliest mass shooting in modern American history had thrust Orlando into the center of worldwide attention, and officials used that moment to aggressively shape the public narrative, manage the City's image, and elevate institutional reputations even as critical accountability questions remained unanswered.

Evidence presented previously provides insight into how the Office of the Mayor and his cronies inside City Hall colluded and conspired to conceal the fact that the Pulse owners, Rosario and Barbara Poma, did not have a permit to operate the business as a nightclub, and had broken the law repeatedly with illegal renovations and code violations that hindered escape and rescue of the shooting victims. There is evidence also that the club was overcapacity the night of the shooting. We also proved that the City never brought the building into compliance and had a long relationship with the Pomas and gave them preferential treatment.

This cover-up allowed them to shield their own legal liability and bolster their careers. After chronological distance from the mass shooting grew, the City changed local laws and created new definitions for distinguishing nightclubs, restaurants, and bars—continuing to ensure that they remain distinct types of businesses.

After they were successful in misleading the media, the victims' families and survivors, their own Council members and Orange County Commissioners, the Office of the Mayor then joined hands with the Pomas in what they saw as a way to bring hundreds of millions in tourism dollars into Orlando. Mayor Buddy Dyer and his Chief Protocol Officer Earl Crittenden joined the onePULSE Foundation, the latter as its Chairman.

In addition, we now know that Active Shooter Protocol was clearly not followed, and Detective Adam Gruler admitted to watching the shooter shoot victims a second time on the floor while in a safe position of cover outside the nightclub. It took eight minutes before officers entered the club and they only did so after the shooter's gun jammed and he went into the bathroom.

John Mina then lied to the media repeatedly to spin a false narrative and keep the City and his own OPD from legal liability. He then began helping the onePULSE Foundation, joining with the employers of his off-duty police officers, Rosario and Barbara Poma to raise millions of dollars in donations.

The Office of the Mayor, the OPD and the Pomas all benefitted. Before the shooting, the Poma's regularly hired off-duty OPD officers for security. After the shooting, Rosario Poma joined the board of the Orange County Sheriff's Foundation to raise money for John Mina's office (after Mina was elected Orange County Sheriff). Given the evidence presented, it is clear they all pushed out a false narrative so they could ultimately all benefit – whether it be political gain, personal wealth and ultimately profit for their City through tourism.

John Mina was later named one of nine "experts" by the DOJ to sit in judgement to evaluate the Uvalde mass shooting response. Mayor Buddy Dyer and his cronies inside City Council were re-elected. The Pomas gained an enormous amount of personal wealth because of these actions by the Office of the Mayor and supporting players in the City.

Even though the Office of the Mayor knew in the first week via the Permitting Timeline circulated by his City Attorneys that the Pomas had broken the law repeatedly, they put that aside. They then falsely promoted the shooting as a hate crime (which it wasn't), and Poma began a nonprofit which marketed this false narrative for fundraising. Mayor Buddy Dyer joined the nonprofit as did the City's Chief Protocol Officer.

This is how it all played out. Until we came along. Then it all began to unravel.

After we notified the County about the nonprofit misusing grant money, the nonprofit was forced to dissolve. Even after the misuse of TDT funds was revealed, Mayor Dyer refused to leave his position on the nonprofit's Chairman's Advisory Council.

They have tried their best to discredit us by lying to the media, but all we have been doing for the past nine years is unearthing their own public records, along with information from survivors and whistleblowers, City employees, Pulse employees, and others to paint a full picture of the facts, conflicts of interests and obvious cover-up.

In 2019, we worked to expose Barbara Poma and her exploitative nonprofit, the onePULSE Foundation. As they grew into a multi-million-dollar organization, led by unethical leaders and armed with a virile public relations team, we grew too. With public support, we fought, we researched, we requested public records, and we moved to dissimilate the facts and counter the lies. Against all odds, our "little group" stopped the nonprofit from continuing to scam the public and using their platform to spread misinformation and continue to do harm to ourselves, our families and individuals throughout our community.

We revealed exactly how Barbara and Rosario Poma exploited the massacre. Despite this, the Pomas privately registered the onePULSE Foundation, LLC with the State of Florida with the purpose of building a memorial. While they pretended to be in talks with the City of Orlando, their real goal was to get $4M for the property which was worth closer to $900,000.00, if not less – as Commissioner Jim Gray pointed out publicly -- because the building was no longer salvageable since parts of it had been blown up and rammed by SWAT, not to mention the fact that one of the world's deadliest mass shooting occurred inside and the building sat empty for 8 years

After the Pomas declined to sell the PULSE property to the City in 2016, they held a press conference and then ran the onePULSE Foundation scheme for years with the firm belief that it would provide Barbara Poma with celebrity, recognition, and a lifetime paycheck. For years, it worked. Barbara Poma became the face of the PULSE shooting and worked to become "the keeper of the story," thereby erasing the facts inconvenient to her and her husband, and the City of Orlando and its first responders. In this position, Poma was able to meet the wealthiest people in the world, who joined her on what they believed was a genuine mission. She rubbed shoulders with A-list and D-list celebrities and musicians. She went from the broke owner of a gay bar south of downtown Orlando that struggled to afford a fire alarm to feigning elaborate wealth and success with her husband, the "restaurateur," who actually ran his businesses until they closed one by one.

However, we continued to organize and dig up public records in our own multifaceted, grassroots investigation demanding accountability, transparency, and justice. We continued to be actively engaged with our community, people began opening up, and some were whistleblowers. We became watchdogs over the City of Orlando, exposing their lies and confronting them when necessary at City Council Meetings and PULSE Memorial Committee Meetings. City officials continued to use their taxpayer-backed platform to turn the PULSE memorial into a $9.5M public relations stunt. When we knew the City would never raise this much money through donations and fundraising, Mayor Buddy Dyer falsely claimed otherwise.

On February 24, 2024, Mayor Dyer said the remaining projected $7.4 memorial will be paid for by the Orlando and Florida taxpayers. The cost of the memorial subsequently doubled to $12M.

All of us agree that the City of Orlando should never have paid the Pomas $2M for the PULSE property because she has already profited off the massacre, received an insurance payout for the loss of the property, and the PULSE property was not even worth half that amount. **The City was complicit in giving the Pomas exactly what they wanted—more Orlando taxpayer money**.

Lastly, while we were preparing this report for the Office of the State Attorney and the FBI, news broke that 59 people were killed at **Club Pulse, an illegal nightclub** in Macedonia operating without a valid permit. Within hours, authorities launched a bribery and corruption investigation, leading to the arrest of the nightclub's owners and several local officials who allowed the nightclub to remain open.[740]

This swift response stands in stark contrast to the aftermath of the mass shooting at PULSE, which was prohibited by the City of Orlando from operating as a nightclub but was nonetheless run as one by its owners—violating its conditional use permit and carrying out numerous unpermitted renovations and code violations that inevitably hindered the escape and rescue of shooting victims.

Yet, none of the investigations following the Orlando shooting addressed the critical issues outlined in this report. According to the City's records and responses to public records requests, there was never even a post-shooting building inspection of PULSE—despite the public demands for one made by victims/survivors. Unlike the Parkland shooting response, no oversight commission was ever formed to investigate these issues at PULSE.[741]

Therefore, we have asked Florida State Reps. Anna Eskamani and Carlos Guillermo Smith together to introduce legislation to create the Independent Pulse Truth and Accountability Commission.

Because when victims and survivors find justice in Macedonia but not in the United States, it calls into question whether we can still claim to have a functional democracy with a credible criminal justice system. When mass violence victims/survivors are still forced to fight for justice nine years after a crime has occurred—battling against corrupt and unethical City officials, a negligent and dishonest police department, and a system designed to protect those in power rather than the public—this is a profound injustice.

Furthermore, American history is replete with examples of public officials facing criminal investigation, prosecution, and imprisonment for manipulating permitting systems, zoning enforcement, regulatory oversight, and municipal approval processes. These cases are significant because they establish that failures involving building regulation and code enforcement are not treated merely as bureaucratic oversights when evidence suggests officials knowingly ignored violations, selectively enforced regulations, concealed information, or used governmental authority to shield politically connected actors from scrutiny.[742]

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[740] "At least 59 killed in 'catastrophic' fire at illegal nightclub in North Macedonia: Officials," *ABC News*, March 16, 2025, https://abcnews.go.com/amp/International/dozens-believed-dead-north-macedonia-nightclub-fire/story?id=119846669.

[741] Pulse questions remain," Beth Kassab, Michael Williams, and Gal Tziperman Lotan, *Orlando Sentinel*, February 15, 2019, https://www.orlandosentinel.com/2019/02/15/pulse-shooting-questions-still-linger-as-state-attorney-clears-police-in-response-probe/.

Florida itself has recognized that corruption, favoritism, and manipulation within building regulation and code-enforcement systems are serious matters warranting criminal scrutiny, particularly when public safety is implicated. In one South Florida federal case, a Miami building owner pleaded guilty after attempting to bribe fire officials in connection with blocked exits, fire-code violations, and efforts to remove violations from official records without correcting the underlying hazards. Federal authorities described schemes involving obstructed means of egress, unpermitted work, falsified compliance efforts, and manipulation of regulatory enforcement processes. Likewise, in another Florida case, a Dixie County building and zoning inspector was federally prosecuted for bribery and fraud involving the manipulation of governmental permitting and development processes.

These cases are important because they demonstrate that Florida authorities recognize building regulation, permitting enforcement, inspections, and public-safety oversight as areas highly vulnerable to abuse, favoritism, selective enforcement, and institutional corruption. The documentary record surrounding PULSE raises deeply troubling questions about why the nightclub appears to have been treated differently from other businesses and buildings within Orlando—particularly those in and around the downtown core, which are heavily regulated, issued citations, and fined.

The evidence instead suggests a longstanding pattern of non-enforcement, regulatory leniency, incomplete documentation, and post-shooting narrative management that stands in sharp contrast to how code violations and permitting irregularities are ordinarily handled elsewhere throughout the City.

Federal authorities reached similar conclusions in Chicago through "Operation Crooked Code," a sweeping investigation into corruption involving building inspectors, zoning officials, and permit approvals. The investigation described the scheme as involving City officials who manipulated or abused Chicago's building and zoning systems through bribery, selective enforcement, and corrupt permitting practices and recognized that public-safety laws become effectively meaningless when officials selectively enforce regulations, ignore known violations, or manipulate enforcement systems in ways that protect institutional or private interests over public safety.[743] The significance of these cases lies in the recognition that corruption and regulatory misconduct do not always take the form of overt bribery alone. They can also manifest through deliberate non-enforcement, strategic inaction, selective inspections, withheld citations, manipulated narratives, or institutional efforts to obscure failures after harm occurs.

More recently, international investigations such as the 2026 Lentekhi, Georgia case similarly involved officials accused of bypassing legally required safety and permitting procedures for politically connected construction projects. Authorities alleged that municipal leaders approved permits tied to the mayor's family without following required legal safeguards or safety requirements.[744] Although arising in a different legal system, like the Club Pulse in Macedonia, the case underscores a broader principle shared across democratic societies: when public officials manipulate or ignore safety regulations, the consequences can extend far beyond administrative violations and implicate fundamental questions of governmental accountability and public harm.

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[742] See generally Michael Sallah et al., "Arrests of 3 Mayors Reinforce Florida's Notoriety as a Hothouse for Corruption," New York Times (Sept. 1, 2013), *New York Times*.

[743] United States Attorney's Office, Northern District of Illinois, "Operation Crooked Code," U.S. Department of Justice Archives, DOJ Operation Crooked Code Press Release.

Against this backdrop, the unresolved issues surrounding PULSE warrant independent scrutiny well beyond the City's limited internal reviews and carefully managed public statements. The documentary record raises serious questions regarding years of unenforced code violations, the absence of meaningful inspection and oversight, the failure to conduct a comprehensive post-shooting building investigation, and subsequent efforts by City officials to minimize, obscure, or reframe known facts regarding the nightclub's conditions and the City's regulatory conduct.

The issue is no longer merely whether mistakes occurred. Rather, the evidence raises the far more serious questions regarding why City officials and the Office of the Mayor knowingly permitted unsafe conditions to persist and later participated in coordinated efforts to conceal or minimize facts potentially relevant to the deaths, injuries, and trauma suffered during the massacre.

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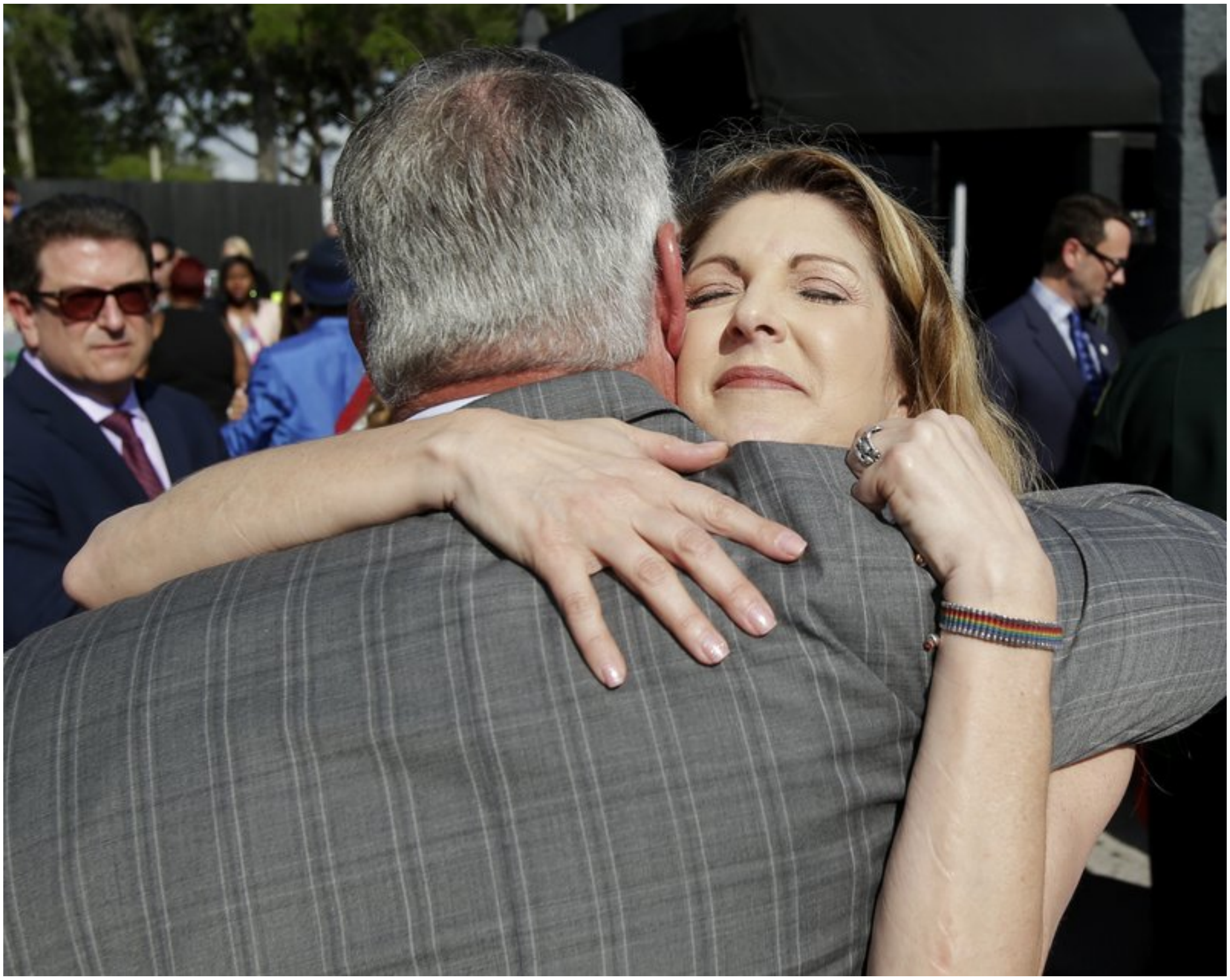
[744] Organized Crime and Corruption Reporting Project (OCCRP), "Former Mayor Arrested in Georgia Over Hotel Permit Issued to Wife's Company," OCCRP (2026), OCCRP Lentekhi case article.

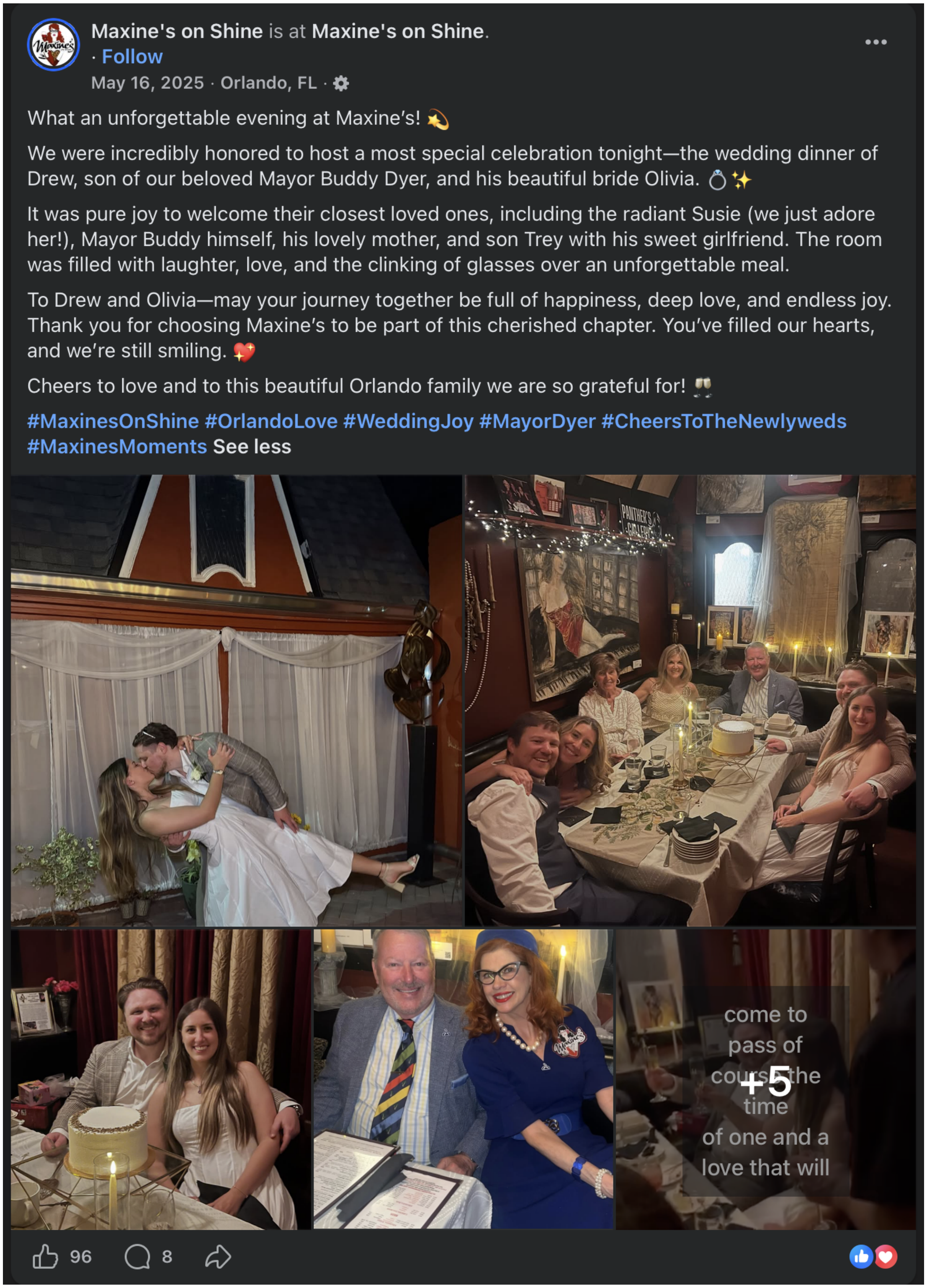


Mayor Buddy Dyer Hugging Barbara Poma (December 5, 2016): Following a press conference announcing the onePULSE Foundation's memorial and museum plans.

These concerns are not raised in a vacuum. Similar allegations regarding inconsistent enforcement and preferential regulatory treatment have surfaced in other disputes involving Orlando businesses and the City itself. One recent example is the litigation involving Maxine's on Shine, a popular Orlando restaurant that became the subject of a lawsuit filed against both the establishment and the City of Orlando. In that case, neighboring residents alleged that City officials failed to adequately enforce zoning restrictions, permitting requirements, noise regulations, and operational limitations despite years of complaints and documented concerns regarding the business's expansion and operations. The litigation specifically raised questions about selective enforcement, political favoritism, nepotism, and whether certain businesses received regulatory flexibility that would not ordinarily be afforded to others similarly situated. It also involved the business's Conditional Use Permit (CUP2022-10010).

Photo of Mayor Buddy Dyer Kissing the Owner of Maxine's on the Cheek Outside the Dr. Phillips Performing Arts Center: Across the Street from Orlando City Hall. Posted to the Maxine's on Shine Facebook Page on July 30, 2025, in celebration of Dyer.

The relevance of the Maxine's on Shine litigation extends beyond the specific neighborhood dispute itself because it reflects broader allegations of selective enforcement, regulatory leniency, and preferential treatment involving politically connected businesses within Orlando. Those allegations are particularly noteworthy given Maxine's longstanding political and social proximity to Mayor Buddy Dyer, including the Mayor's public association with the establishment and the fact that his son's wedding dinner was held there. The restaurant's later 2025 expansion into Orlando International Airport, which Dyer has held significant influence through the Greater Orlando Aviation Authority, further underscoring concerns regarding institutional favoritism and access. Especially, as it touted being the largest restaurant in Terminal B. The significance of these facts is not that they conclusively establish corruption, but that they provide additional contextual evidence suggesting that inconsistent enforcement, regulatory flexibility, and preferential treatment may not have been isolated to PULSE alone but instead reflect broader patterns in how certain politically connected businesses have allegedly been treated by the City of Orlando.



Maxine's on Shine is at Maxine's on Shine.
· Follow
May 16, 2025 · Orlando, FL ·

What an unforgettable evening at Maxine's! 💫

We were incredibly honored to host a most special celebration tonight—the wedding dinner of Drew, son of our beloved Mayor Buddy Dyer, and his beautiful bride Olivia. 💍✨

It was pure joy to welcome their closest loved ones, including the radiant Susie (we just adore her!), Mayor Buddy himself, his lovely mother, and son Trey with his sweet girlfriend. The room was filled with laughter, love, and the clinking of glasses over an unforgettable meal.

To Drew and Olivia—may your journey together be full of happiness, deep love, and endless joy. Thank you for choosing Maxine's to be part of this cherished chapter. You've filled our hearts, and we're still smiling. 💖

Cheers to love and to this beautiful Orlando family we are so grateful for! 🥂

#MaxinesOnShine #OrlandoLove #WeddingJoy #MayorDyer #CheersToTheNewlyweds #MaxinesMoments See less

Facebook Post from Maxine's on Shine: From May 16, 2025, celebrating the wedding dinner of Drew Dyer with his father, Mayor Buddy Dyer.

Justice delayed is justice denied, and the failure to hold those responsible accountable only deepens the wounds of those who have already suffered unimaginable loss. This is not just bureaucratic failure; it is a betrayal of the very principles our institutions claim to uphold.

This report also reveals the deeper structural dynamics that shaped the public response to the PULSE tragedy and the suppression of survivor narratives in its aftermath. Survivor testimony was routinely minimized, dismissed, or ignored, even when corroborated by documentary evidence, while official narratives advanced by institutional actors were repeatedly accepted without meaningful scrutiny. These patterns cannot be separated from the realities of anti-LGBTQ+ bias, racism, language inequality, and disparities in institutional power that shaped who was heard, who was believed, and who was excluded from public understanding of the tragedy.

At the same time, individuals and organizations claiming to represent the affected community frequently leveraged barriers in language, geography, access, and institutional knowledge to consolidate control over the narrative while limiting transparency and accountability. Our families and survivors were often left without meaningful access to information, excluded from decision-making processes, and denied the ability to independently assess claims being made in their name. Public-facing appeals to representation, equity, and community engagement were too often contradicted by practices that kept our impacted communities in the dark while insulating institutions from scrutiny.

The media also played a significant role in reinforcing these imbalances. Survivors and independent advocates were routinely expected to produce exhaustive documentation and evidentiary support for their claims, while statements from City officials and institutional representatives were frequently published with little verification, even when contradicted by available evidence. The result was not merely a lack of attention to our concerns, but the amplification of institutional narratives at the expense of those of us most directly impacted by the tragedy. In practice, elevating official talking points often functioned to marginalize, discredit, or silence survivors seeking accountability. We saw this with corporate media's handling of both the onePULSE Foundation and the City of Orlando.

The communities most heavily impacted by the PULSE tragedy were overwhelmingly LGBTQ+, Hispanic, Black, and immigrant communities. Yet many of the individuals who ultimately acquired institutional authority, media legitimacy, financial opportunity, and public credibility in the aftermath were people who did not belong to our communities and who often possessed significantly greater social, political, and economic power.

And we aren't afraid to name them: Barbara and Rosario Poma, Mayor Buddy Dyer, Sheriff John Mina, Chief of Staff Heather Fagan, and Managing Director Pamela Schwartz, to name a few who appear to have failed upwards. Again and again, institutional actors and well-connected public figures were afforded greater credibility than eyewitness survivors, families, and even the documented evidence itself.

Believe survivors.

Believe the documented facts. **Join us in requesting Independent Pulse Truth and Accountability Commission**

Appendices

Appendix A: Orlando Police Department's Final Investigative Report (2024)

Case #2023-00205852

Source: City of Orlando
Request #24-11738

This report could be picked apart line by line and is, in and of itself, a civil rights violation. This is not a legitimate investigation, and the investigative conclusions are inaccurate, misguided, unsubstantiated, and misinformed.

Why couldn't the OPD make long-distance calls to interview witnesses? Are they aware a significant portion of the victim base is Latinx, were tourists, or may no longer live in Florida? Does OPD not have access to ZOOM or various other applications that would empower them to conduct interviews with survivors outside of the United States? Furthermore, without interviewing the Pomas, how did the OPD determine their mindset, thought process, and reasoning for operating PULSE illegally and in violation of codes?

The OPD's entire "investigative" report is riddled with false assumptions and failed attempts to discredit pertinent evidence. Furthermore, there is so much more additional evidence that the OPD could have collected and analyzed, however, this is not a legitimate investigation. OPD could have used their own reports created in the aftermath of the shooting, which the OPD never used or referenced in this report.

The OPD also stated that known facts were "unknown." Had the OPD done its due diligence, it would have learned that nightly covers were a staple for the PULSE nightclub, and thus, in violation of its Conditional Use Permit. For on January 16, 2010, PULSE advertised its nightly charges on its website. "Flashback Monday" had a $5 cover for people over the age of 21 and an $8 cover for those 18-20; Tuesdays were Noche Latina (Latin Night) and cover was also $5-$8; Wednesday was College Night and the cover was $5 without a college ID; Thursday was Industry Night and cover was $5-$8 without a hospitality ID or pay stub; Fridays were "Platinum Fridays" and cover was $5-$8; and Saturdays were "Pulsate," which also carried a $5-$8 cover. The OPD could have easily asked any PULSE employees or patrons to confirm that nightly covers were charged. It is unreasonable for the OPD to have expected us to publish every advertisement PULSE ever made over its 12 years in existence to prove that it charged a nightly cover.

A line-by-line analysis of this sham investigation is outside the scope of this report.

In short, the Orlando Police Department failed to conduct a legitimate investigation into the issues presented, constituting a violation of due process under the Fourteenth Amendment and potentially a deprivation of civil rights under 42 U.S. Code § 1983. The City of Orlando’s attempt to pass off this deeply flawed and incomplete investigatory report as credible is yet another instance of misleading the public. In reality, the City's decision to exonerate the Pomas lacks legal legitimacy and is based on an inadequate and arguably bad-faith investigation.

I. INTRODUCTION

On June 2, 2023, Orlando Police Department (OPD) Officer Michael Mastrangelo responded to 1250 West South Street, OPD Headquarters (OPH), where he met with three (3) individuals who completed sworn written statements documenting criminal allegations made against the owners of the Pulse Nightclub (Pulse) and stemming from the shooting incident which occurred at Pulse on June 12, 2016. Officer Mastrangelo also accepted numerous documents from this group which included a study titled, "They Knew – Hard Evidence that Poma's Legal Violations and City Failures Led to Further Injury and Death at Pulse Nightclub" ("They Knew"). Officer Mastrangelo completed a Case Report documenting this group's allegations and placed these documents in OPD's Property and Evidence.

On July 23, 2023, OPD Officer Javier Medina responded to OPH where he met with eighteen (18) individuals who completed sworn written statements documenting their belief the owners of Pulse committed criminal violations stemming from the June 12, 2016, shooting at Pulse. Officer Medina completed a Case Report Supplement documenting his involvement.

On August 14, 2023, OPD Officer Brittany Bombaro responded to OPH where she met with one (1) individual who completed a sworn written statement and who also made criminal allegations against the owners of Pulse. Officer Bombaro completed a Case Report Supplement documenting her involvement.

On September 13, 2023, OPD Sergeant Loida Rennish responded to OPH where she met with one (1) individual who completed a sworn written statement also alleging criminal acts against the owners of Pulse. Sergeant Rennish completed a Case Report Supplement documenting her involvement.

On October 5, 2023, I, OPD Sergeant Michael Stanley was assigned this incident for additional investigative follow-up.

II. BACKGROUND

On June 12, 2016, at 0202 hours, Omar Mateen (the Suspect) conducted a mass shooting at Pulse located at 1912 South Orange Avenue. The Suspect was a lone gunman and was responsible for the killing of forty-nine (49) people and the wounding of fifty-three (53) other individuals. This shooting was determined to be the deadliest terrorist attack on American soil since September 11, 2001.[1]

III. ALLEGATIONS

The allegations made by the complainants within their sworn written statements are summarized into these five (5) issues as found within "They Knew":

1. The unavailability of building plans to first responders during the three-hour long hostage situation, as law enforcement dealt with the chaos of navigating a dark building with limited layout information and an active shooter.
2. Unpermitted renovations and building modifications done to the interior and exterior of the Pulse Nightclub and left unchecked and unregulated by the City of Orlando.
3. A history of occupancy violations which public records and survivor records show the nightclub was likely over capacity on the night of the shooting.

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[1] The FBI labeled the Pulse attack an act of terrorism according to 18 U.S.C § 2331 (2009)

4. Years of Pulse operating in violation of their conditional use permit, which allowed the business to operate as a restaurant and martini bar with strict written limitations and not as a nightclub/dance hall.
5. Other general failures in security and risk management.

The complainants believe the Poma's operated their nightclub illegally and made illegal business decisions which put the lives of their customers at risk.

IV. INVESTIGATIVE THRESHOLD

The investigative threshold for this investigation is probable cause. While there is no statutory definition of probable cause in the State of Florida, probable cause is generally understood to be an officer's knowledge of facts and circumstances based on reasonable trustworthy information sufficient to warrant a prudent person to believe a crime has been committed. The probable cause standard is incapable of precise definition or quantification into percentages because it deals with probabilities and depends on the totality of the circumstances.[2]

V. CRIMINAL STATUTE BEING INVESTIGATED

From the allegations made by the complainants against Barbara and Rosario Poma, the owners of Pulse Nightclub, this investigation sought to determine if probable cause exists to charge the Poma's with F.S. 782.07-3, Involuntary Manslaughter by Culpable Negligence. This statute is defined as, "The killing of a human being by the act, procurement, or culpable negligence of another, without lawful justification according to the provisions of chapter 776 and in cases in which such killing shall not be excusable homicide or murder, according to the provisions of this chapter, is manslaughter, a felony of the second degree." [3]

As stated by the Florida Bar under Criminal Jury Instructions, to prove the crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. (Victim) is dead.

Give 2a, 2b, and/or 2c depending upon allegations and proof.

2. a. (Defendant) intentionally committed an act or acts that caused the death of (victim).

   b. (Defendant) intentionally procured an act that caused the death of (victim).

   c. The death of (victim) was caused by the culpable negligence of (defendant).

Within their Criminal Jury Instructions, the Florida Bar defines culpable negligence as:

I will now define "culpable negligence" for you. As I have said, every person has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard for the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

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[2] *Maryland v. Pringle,* 540 U.S. 02-809 (2003).

[3] 2023 Florida State Statues

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury. [4]

VI. AVAILABLE EVIDENCE

The evidence provided by the complainants and located within OPD Property and Evidence consists of the following items:

1. "They Knew" – Hard Evidence that Poma's Legal Violations and City Failures Led to Further Injury and Death at Pulse Nightclub."
2. Permitting/Code Enforcement/Planning/Fire/Life-Safety Timeline
3. Orlando Sentinel article dated July 30, 2016, and titled, "Fence at Pulse wasn't permitted."
4. City of Orlando Municipal Planning Board Agenda Item 12 – Rosario Poma and dated July 15, 2003.
5. An email dated May 26, 2023, and titled, "TDT Grant for onePulse Foundation – DO NOT APPROVE."
6. An article from 2018 titled, "Fatal Wounding Pattern and Causes of Potentially Preventable Death Following the Pulse Night Club Shooting Event."
7. An email dated June 12, 2016, at 0933 hours from Orlando Fire Department (OFD) Fire Marshal Tammy Hughes to OFD Chief Roderick S. Williams.
8. Twenty-three (23) sworn written statements from the complainants.

Additional evidence relied upon for this investigation:

9. Florida Department of Law Enforcement Use of Force Investigation, Case Number OR-27-0258.[5]
10. OPD Homicide Unit Supplement Report, Case Number 2016-242039.[6]
11. "Rescue, Response, and Resilience – A critical incident review of the Orlando public safety response to the attack on the Pulse nightclub" conducted by the U.S. Department of Justice, Office of Community Oriented Policing Services.[7]
12. Pulse Nightclub Shooting – FBI Lab Ballistics Report.[8]

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[4] https://www.floridabar.org/rules/florida-standard-jury-instructions/criminal-jury-instructions-home/criminal-jury-instructions/sji-criminal-chapter-7/

[5] https://media.clickorlando.com/document_dev/2019/02/13/OR-27-0258%20SUMMARY_Redacted_1550075484532_19315571_ver1.0.pdf

[6] https://www.orlando.gov/files/sharedassets/public/v/1/initiatives/pulse/pulsehomicidereport_redacted.pdf

[7] https://portal.cops.usdoj.gov/resourcecenter/ric/Publications/cops-w0857-pub.pdf

[8] https://vault.fbi.gov/pulse-nightclub-shooting-fbi-lab-ballistics-report/pulse-nightclub-shooting-fbi-lab-ballistics-report-part-01-of-01/view

VII. INTERVIEWS CONDUCTED

On October 24, 2023, a certified letter was sent to the law firm of Fulmer LeRoy & Albee, PLLC, the law firm representing the Poma's in a civil premises liability case within the Ninth Judicial Circuit under 2018-CA-006102-O. This letter indicated my interest in conducting an interview with the Poma's to offer an opportunity to respond to these allegations. This certified letter was received and stamped with the date of November 8, 2023. On November 13, 2023, I spoke by phone with Michael LeRoy, who stated while he would not be representing the Poma's in any potential criminal proceeding, he would make them aware of my interest in conducting an interview. At the conclusion of this investigation, the Poma's were not able to be interviewed.

Numerous in person and over the phone interviews were conducted with individuals who submitted sworn written statements. These interviews were consistent with their sworn written statements, and all individuals desired to have an investigation conducted to determine any possible criminal activity for this incident against the Poma's. Many of the sworn written statements were obtained from individuals residing outside of the United States and as a result, over the phone interviews were not able to be conducted with these individuals.

Interviews were also conducted with City of Orlando Economic Development Deputy Director Timothy Johnson, City of Orlando Economic Development Deputy Director Lillian Scott-Payne, Orlando Fire Department Plans Examiner Chief Charles Howard, and OPD Police Range Master Scott Smith.

VIII. INVESTIGATION – ALLEGATION ONE (1)

The first allegation against the Poma's was presented within Part III of "They Knew" and titled, "Plans Availability During Shooting." It was alleged the unavailability of building plans to first responders during the three-hour long hostage situation, as law enforcement dealt with the chaos of navigating a dark building with limited layout information and an active shooter, hampered response efforts. Below are the responses to the allegations made within each specific subsection.

- 3.1 Email from Tisa Mitchell, "...first responders...did not have a layout of the building." While this email does state one of the Pulse owners responded to the scene to hand draw a layout of the building, there is no evidence to support this statement.
- 3.2 No Building Layout: Chaos and Confusion Among First Responders. While it was alleged response efforts were hampered by the lack of building plans, the detailed analysis of the actions taken at Pulse and documented within "Rescue, Response, and Resilience – A critical incident review of the Orlando public safety response to the attack on the Pulse nightclub" conducted by the U.S. Department of Justice, Office of Community Oriented Policing Services, clearly indicates otherwise. The below timetable documents the ongoing response efforts and highlights the number of individuals rescued while law enforcement was still contending with a barricaded gunman:
    - Just before 2:00 a.m. The suspect parked a rented car in the parking lot of the neighboring car shop, Pro Tint & Detailing, and walked south toward the Pulse nightclub.
    - 2:02 a.m. The suspect, armed with a Sig Sauer MCX semiautomatic .223 caliber rifle (military-style rifle) and a Glock 17 (9mm) handgun, entered the Pulse nightclub through the south door. He immediately shot a patron who was standing inside the front parlor.

- 2:02:17 a.m. An OPD detective working extra duty at the club reported on the Patrol East radio channel: "Shots fired, shots fired, shots fired!" The police dispatcher immediately broadcast a signal 43 (officer needs immediate assistance). At this point, the OPD detective's exact location is unknown to the dispatcher and responding units.
- 2:02:35 a.m. The OPD detective reports "Shots fired 1912 S. Orange Ave. Shots fired, multiple down!" Over the next one minute and nine seconds, the OPD detective made three more radio transmissions, reporting that shots were being fired inside the club.
- 2:02 a.m. Dozens of the patrons inside Pulse ran out of the club through exits on the south side of the club, through the main entrance, through a patio on the east side, and into a fenced alleyway on the north side. One of the Pulse security officers kicked a hole in the fence, which allowed approximately 20 patrons to escape into the parking lot of a neighboring business to the north.
- 2:02 a.m. While taking protective cover behind a vehicle in the south parking lot, the OPD detective fired several rounds at the suspect, who was standing just inside a set of double doors and continued to fire multiple shots inside the club.
- 2:03 a.m. According to the OPD, less than one minute and 20 seconds after the signal 43 was broadcast, the first backup officer arrived on scene. A second backup officer arrived about a minute later.
- 2:05 a.m. Over the radio, the OPD detective advised that the suspect had an assault rifle. The OPD detective fired three shots at the suspect as the sound of rapid fire gunshots were heard inside the club. The gunfire inside the club stopped.
- 2:06 a.m. The OPD detective assembled a contact team with three other officers and they began to approach the club from the east patio area.
- 2:07 a.m. The OPD special weapons and tactics (SWAT) commander—a lieutenant who was also the on-duty watch commander—arrived on scene.
- 2:08 a.m. A sergeant took the OPD detective's place on the initial contact team on the east side of the club. A second contact team, located on the south side of the club, was organized by the SWAT commander. The second team consisted of the SWAT commander and five officers.
- 2:09 a.m. The contact team on the east patio directed a patron from the main dance floor area out of the club through the patio, to South Orange Avenue. (Total individuals rescued by law enforcement to this point: 1)
- 2:10 a.m. An officer from the contact team assisted a bartender who had been hiding behind the patio bar since the shooting started. The bartender, who was not injured, was directed out of the club to South Orange Avenue. At least five additional shots fired by the suspect were heard further inside the club. The SWAT commander's team entered the club through a large window they had broken. They moved toward the sound of the gunshots. The officers believed the suspect had barricaded himself in one of two restrooms at the end of a small hallway on the west side of the club. The team positioned

itself behind a bar at the end of the hallway, keeping the suspect contained in the restroom. One individual inside the north restroom called 911 advising that he was hiding in the handicapped-accessible stall with at least 10 other people and that the suspect was "in the bathroom. He's in the bathroom." At this point, the nature of the incident transitioned to a barricaded suspect with hostages. **No more gunshots were heard being fired by the suspect until the final breach**. (Total individuals rescued by law enforcement to this point: 2)

- 2:14 a.m. On the other side of the club, two officers from the initial contact team located a group of 22 patrons hiding in a restroom at the southeast corner of the main dance floor. One officer provided cover while the other officer escorted the patrons out through the east patio to awaiting officers. (Total individuals rescued by law enforcement to this point: 24)
- 2:15 a.m. Officers found a person hiding behind a bar on the east patio and quickly helped him out toward South Orange Avenue. (Total individuals rescued by law enforcement to this point: 25)
- 2:15 a.m. At least seven people in the main dance floor area were quickly extracted through the main entrance on the south side of the club or through the east patio to waiting officers and deputies. (Total individuals rescued by law enforcement to this point: at least 32)
- 2:17 a.m. The SWAT commander and sergeant in the west bar area fired shots at the suspect. The SWAT commander was heard yelling "Let me see your hands now!" just prior to firing his weapon.
- 2:18 a.m. The SWAT commander asked dispatch to initiate a "full SWAT callout."
- 2:18–2:28 a.m. During this time, officers and deputies moved through the main dance floor area checking injured persons and looking for survivors. They helped at least 14 incapacitated individuals out of the club through the east patio or main entrance. (Total individuals rescued by law enforcement to this point: at least 46)
- 2:21 a.m. A person who had been shot was able to escape from one of the west restrooms and crawl out to the west bar, where he was helped out of the club by officers and moved into the south parking lot area. (Total individuals rescued by law enforcement to this point: at least 47)
- 2:25 a.m. Three officers extracted a person hiding inside a fenced-in storage area just outside the double doors located on the south side of the club. (Total individuals rescued by law enforcement to this point: at least 48)
- 2:30 a.m. An unidentified man, believed to be the suspect by the OPD, called 911, spoke in a unknown language, and quickly hung up.
- 2:32 a.m. A sergeant assisted by other officers rescued five people who were hiding in the kitchenette behind the main bar. Two of the five were injured and had to be carried out; the other three, who could walk, were escorted out of the club to the east patio and were

handed off to officers and deputies. (Total individuals rescued by law enforcement to this point: at least 53)

- 2:35 a.m. A sergeant and assisting officers rescued six people who were hiding in an upstairs office area above the main dance floor. They were escorted across the dance floor and out the east patio to awaiting officers and deputies. (Total individuals rescued by law enforcement to this point: at least 59)

- 2:35 a.m. The suspect called 911 and told the call-taker that he "did the shooting in Orlando." The call lasted 50 seconds.

- 2:48 a.m. The crisis negotiation team (CNT) sergeant called the suspect back. The call lasted six minutes. During the conversation, the suspect suggested he was wearing an explosive vest and claimed there was a vehicle in the parking lot with explosives inside.

- 3:06 a.m. A person who had been shot and who had been hiding in one of the west restrooms was able to crawl out to the west bar, where members of the SWAT team rescued him and brought him to officers in the south parking lot. (Total individuals rescued by law enforcement to this point: at least 60)

- 3:12 a.m. Additional members of the SWAT team arrived on scene and began relieving officers and deputies inside the club.

- 3:13 a.m. OPD public information officers arrived on scene and began sharing information on Twitter.

- 3:20 a.m. An OPD Avatar III Tactical Robot was sent into the club to provide images of the urinal and south restroom, but it could only partially enter the restroom because of obstructions. The OPD used the public address system on the robot to advise the hostages that the police were working on a rescue.

- 3:25 a.m. After a report indicated that gunfire was heard in the lobby of Orlando Regional Medical Center (ORMC) the hospital was locked down for approximately one hour and implemented its "code silver" active shooter plan.

- 3:42 a.m. SWAT members rescued four club workers who were hiding in the north dressing room. (Total individuals rescued by law enforcement to this point: at least 64)

- 4:03 a.m. The OCSO hazardous device team (HDT) arrived on scene. A K-9 from the Greater Orlando Aviation Authority arrived on scene and alerted on the suspect's vehicle.

- 4:29 a.m. A person who was held hostage inside the club sent a text message to her brother. She told her brother the suspect was going to attach four bomb vests to hostages.

- Approx. 4:30 a.m. SWAT team officers rescued a group of eight patrons hiding in a dressing room on the west side of the club, just north of the restrooms. They jarred an air conditioning unit that was protruding from the exterior wall loose and directed the people inside the dressing room to pull in the unit while SWAT team officers pushed it through the opening. Once the unit was removed, SWAT team officers pulled eight people out of the dressing room through the hole in the wall. (Total individuals rescued by law enforcement to this point: at least 72)

  - 4:59 a.m. The OSCO HDT made final preparations for an explosive breach to the west wall.
  - 5:02 a.m. The explosive charge was detonated; the wall was partially breached.
  - 5:08 a.m. A SWAT team BEARCAT began to breach the west wall.
  - 5:09 a.m. A SWAT team officer was heard on a loudspeaker telling people inside the club to move away from the wall.
  - 5:10–5:13 a.m. SWAT team members rescued people from the southwest restroom. (Total individuals rescued by law enforcement to this point: at least 85)
  - 5:14 a.m. As another SWAT officer was widening the hole in the south restroom wall, the suspect began firing in the north restroom. The SWAT team deployed two flashbangs (stun grenades) near the wall where the SWAT team was positioned.
  - 5:15 a.m. SWAT team officers exchanged gunfire with the suspect, firing numerous rounds. An OPD SWAT team officer was hit in his helmet by a round fired by the suspect. The OPD reported the suspect was down after the exchange of gunfire.
  - 5:17–5:26 a.m. People continued to be extricated from the club. An estimated total of 18 individuals were rescued from the restrooms by members of the SWAT team: approximately 13 rescued from the south restroom before the suspect was killed and approximately five rescued from the north restroom after he was killed.
  - 5:27 a.m. All remaining individuals were extricated from the club and all of the hostages who survived were rescued. Officers withdrew from the club because of the threat of explosives. (Total individuals rescued by law enforcement to this point: at least 90)
  - 11:15 a.m. The OPD SWAT, OCSO HDT, and Federal Bureau of Investigation SWAT team officially determined the Pulse nightclub and the suspect's vehicle were safe.
- 3.3 Acquiring Floor Plans is a Standard Practice. "They Knew" makes this statement based upon an April 2008 article titled, "Tactical Response and Operations Standard for Law Enforcement Agencies," published by the National Tactical Officers Association. While OPD maintains and has immediate access to floor plans of schools, hospitals, various churches, hospitals, malls, and public venues, what is not maintained and not immediately available are floor plans of each and every bar, nightclub, restaurant, or other commercial establishment located in the City of Orlando.
- 3.4 After the Shooting, City Officials Seek Building Plans. Presented are internal City of Orlando email's concerning requests from media organizations about the existence of building plans at Pulse.

IX. INVESTIGATION – ALLEGATION TWO (2)

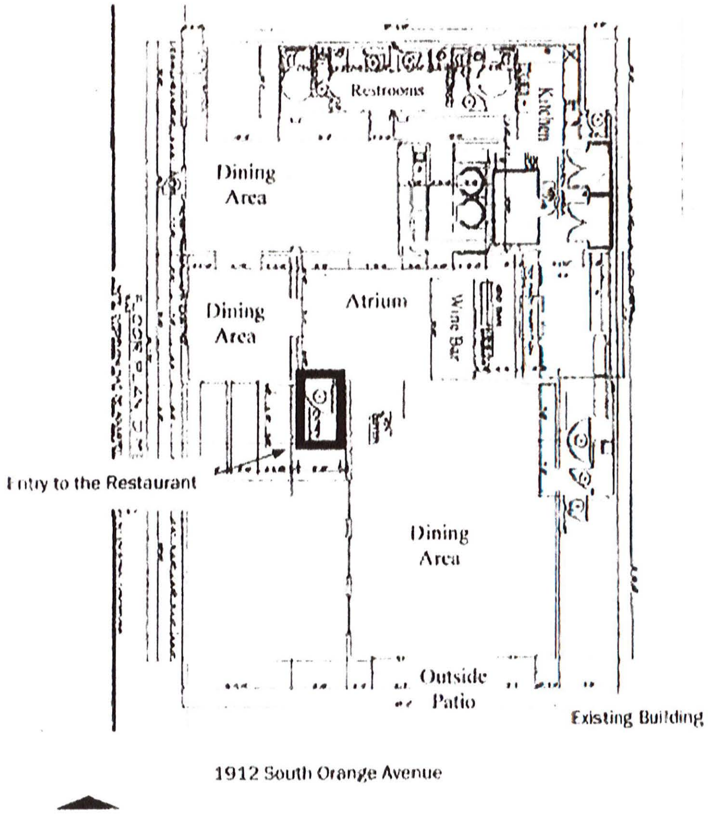
The second allegation against the Poma's was presented within Part II of "They Knew" and titled, "Unpermitted Renovations." It was alleged unpermitted renovations and building modifications done to the interior and exterior of Pulse were left unchecked and unregulated by the City of Orlando. Below are the responses to the allegations made within each specific subsection.

- 2.1 Original Floor Plans: BLDG2003-08240. Disclosed is an image of the approved and permitted building plans for Pulse under BLDG2003-08240.
- 2.2 Before Photos: Interior of Pulse Prior to Most Unpermitted Renovations. Numerous photographs from February of 2009 are presented depicting the inside of Pulse. It is alleged these photographs document "illegal" renovations performed without the benefit of an approved permit.
- 2.3 Violation: Patio Without a Permit (April 7, 2008). A complaint was submitted to City of Orlando Code Enforcement in April of 2008 from an individual named "Ivr." It was alleged a new patio and awning at Pulse were added without obtaining a permit. This complaint was adequately addressed and cleared by the City of Orlando noting, "A permit was pulled back in 2004 for the canopy/awning the permit number is BLD2004-05156." It does not appear the City of Orlando addressed Pulse's fence, outdoor patio, bar, and seating areas.
- 2.4 Violation: Unpermitted Bar. Presented is a complaint to City of Orlando Code Enforcement in March of 2010 in which it was alleged Pulse built and installed a new bar without the proper permitting. The inspector, "Bernard," cleared this complaint with the statement, "this person complains about this property every week they have permits." This statement would be inaccurate as there is no evidence Pulse obtained any such permit for a new bar.
- 2.5 Code Enforcement Incidents. This segment discloses a screen shot from a search of City of Orlando Code Enforcement incidents at 1912 South Orange Avenue. From this screen shot, "They Knew" opines the City of Orlando was aware of unpermitted renovations and failed to act against Pulse. While "They Knew" states, "Correspondence sent from the City of Orlando to Rosario Poma in 2010 addressed CUP violations but not the unpermitted interior and exterior renovations..." this would be an inaccurate statement as this correspondence was sent in 2004. In the 2004 letter from the City of Orlando to Rosario Poma, the CUP violations were addressed, however all renovations at this time were permitted under BLDG2003-08240. From the evidence obtained, in 2010 when the City of Orlando became aware of the CUP violations and the unpermitted renovations, no letter was sent to Rosario Poma when these issues were discovered.
- 2.6 Violation: Unpermitted Work (June 1, 2010). This segment addresses updates made on June 1, 2010, on the City of Orlando's internal database where activity for each parcel is monitored. The entries document the need for Pulse to possibly add a fire protection system, additional means of egress, and whether additional life safety features should be included. An entry is also made stating any new work at Pulse will need to include all changes made to the interior and exterior of Pulse.
- 2.7 Pulse Advertises Renovations. "They Knew" disclosed advertising (allegedly dated June 25, 2010) obtained from Pulse's website in which Pulse announced changes to their lounge and referenced having a dance floor.
- 2.8 Unpermitted Floor Plans. Presented is information revealing an alleged email sent on May 20, 2010, from a Pulse employee to Timothy Johnson, the Division Manager of the Permitting Services Division for the City of Orlando (the alleged email was not produced, and its authenticity has not been verified). Within this email were architectural floor plans of changes made at Pulse. "They Knew" highlights a total of fifteen (15) changes from the previously permitted changes made at

Pulse under BLDG2003-08240. Listed below are the historical changes to Pulse, highlighted in three (3) images. The first image depicts the original floor plans from Pulse's approved CUP in 2003, the second image represents the approved and permitted floor plans under BLDG2003-08240, and the last image documents the unapproved and unpermitted floor plans from 2010.[9]

PROJECT OVERVIEW & ANALYSIS

Floor Plan


Restrooms
Kitchen
Dining Area
Dining Area
Atrium
Wine Bar
Entry to the Restaurant
Dining Area
Outside Patio
Existing Building
1912 South Orange Avenue

FLOOR PLANS APPROVED UNDER PULSE'S CUP

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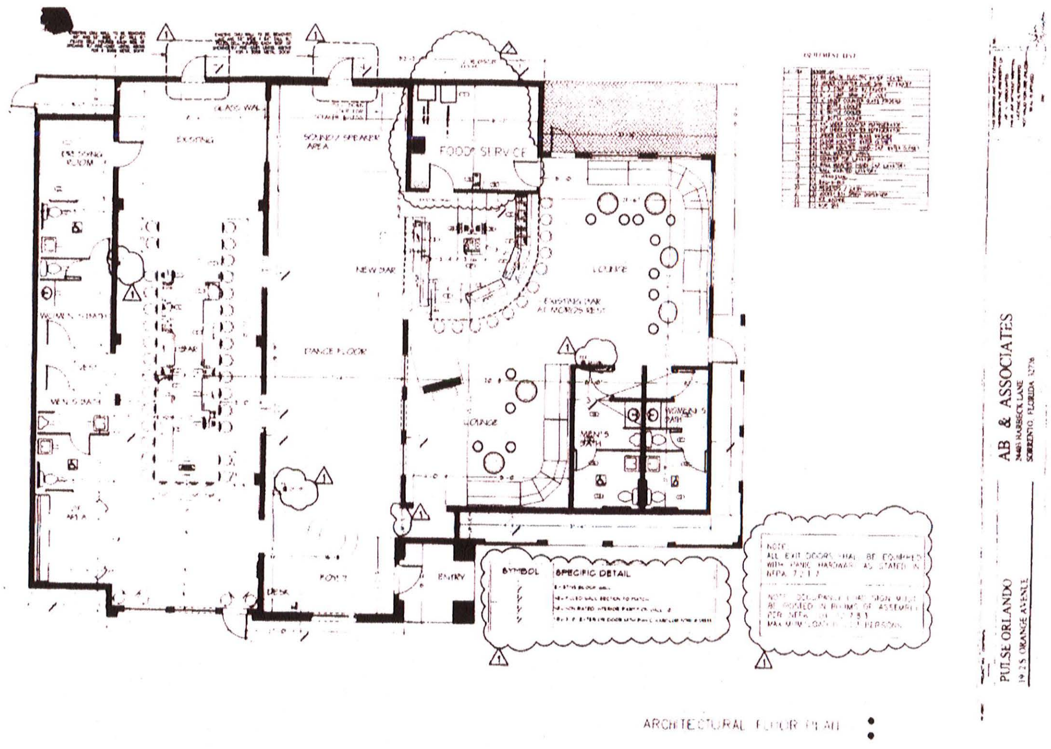
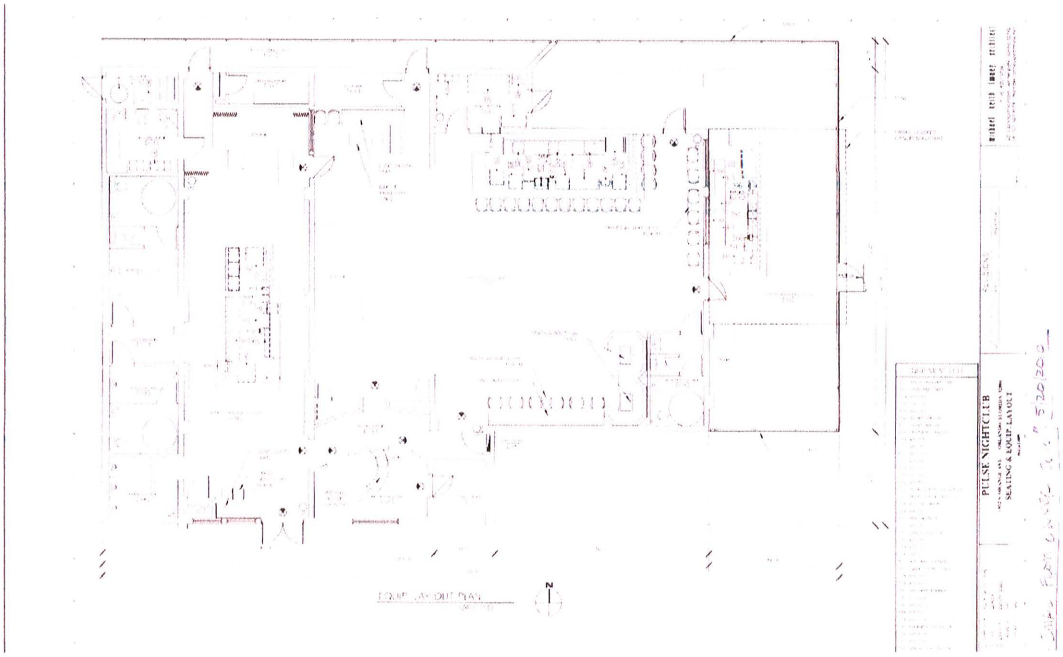
[9] https://www.orlando.gov/files/sharedassets/public/v/1/initiatives/pulse/pulse_planningpermittingrecords.pdf


FOOD SERVICE
GLASS WALL
EXISTING
SOUND/SPEAKER AREA
DRESSING ROOM
NEW BAR
DANCE FLOOR
BAR
LOUNGE
EXISTING BAR
WOMEN'S BATH
MEN'S BATH
FOYER
ENTRY
DESK
SYMBOL
SPECIFIC DETAIL
NOTE:
ALL EXIT DOORS SHALL BE EQUIPPED WITH PANIC HARDWARE AS STATED IN NFPA 7.2.1.7
NOTE: OCCUPANCY LOAD SIGN MUST BE POSTED IN ROOMS OF ASSEMBLY PER NFPA
MAXIMUM LOAD PERSONS
ARCHITECTURAL FLOOR PLAN
AB & ASSOCIATES
SORRENTO, FLORIDA
PULSE ORLANDO
ORANGE AVENUE

FLOOR PLANS APPROVED UNDER BLDG2003-08240


EQUIP. LAYOUT PLAN
N
PULSE NIGHTCLUB
ORLANDO, FLORIDA
SEATING & EQUIP. LAYOUT

ALLEGED UNAPPROVED AND UNPERMITTED FLOOR PLANS

The City of Orlando Planning Division addressed the changes discovered between Pulse's original CUP with Pulse's approved and permitted changes in BLDG2003-08240, in Planning Director Dean Grandin's May 12, 2004, letter to Rosario Poma.[10] While this letter requested Pulse to make the necessary changes to either meet their original CUP or apply for a new CUP to be classified as a nightclub, there is no evidence to show the City of Orlando ever enforced this issue. Additionally, there is no evidence to show the City of Orlando ever formally notified Pulse in the form of a letter regarding the unapproved and unpermitted floor plan changes implemented in 2010. There is also no evidence to show Pulse ever retroactively obtained permits from the City of Orlando for the 2010 changes to their floor plan.

- 2.9 After Photos: Pulse's Unpermitted Interior. This segment serves to present photographs taken on March 11, 2015, during an inspection of Pulse by OFD. While "They Knew" states "...these photos also show some of the fire code violations that were overlooked during site visits," a review of OFD's Occupancy Load Evaluation document for March 11, 2015[11] reveals the statement, "Today's visit completes occupant load evaluation. Photos taken during visit. Also signed off few open issues during visit." This statement by OFD would indicate Pulse was following applicable fire codes, and not in violation as "They Knew" alleges.
- 2.10 All Permits for 1912 S. Orange Avenue. "They Knew" declares, "...no permits allowed for interior or exterior structural modifications after 2003, such as the outdoor patio bar, renovated restrooms, a new interior bar, hallways, new walls, new exit doors, new rooms, and second story accessible by ladder." A review of the permits obtained for 1912 South Orange Avenue confirms this to be an accurate statement.
- 2.11 Scope of Work for BLD2010-00569. This section discloses a permit obtained by Pulse, BLD 2010-00659, to make non-structural changes to include replacing drywall and rotted wood, fix a roof leak, and to remove and replace tile.
- 2.12 Fire Protection Review. "They Knew" makes the statement, "...a detailed review of fire protection requirements is only performed when plans are submitted for permitting." This would be an accurate statement as the City of Orlando Permitting Division is where permits are submitted to and issued from. Fire plan reviews would be conducted concurrent with a submitted permit application.
- 2.13 After Photos: Pulse After the Shooting. The following statement is made within this section: "Photos taken of Pulse after the shooting show numerous fire code violations, ADA compliance issues, and the full scope of the unpermitted modifications done to the interior and exterior of the building." "They Knew" further states multiple mistakes were made, and violations discovered during inspections were routinely ignored. "They Knew" also stated, "...photos of Pulse nightclub (along with other records) show that the business was likely in violation of the following..." It is impossible to accurately assess the photographs presented as they were taken after the shooting, and the original position of moved items is unknown. It is also impossible to assign a percentage probability range to the subjective word, "likely." The numerous photographs presented do however document Pulse's floor plan which was in fact implemented without the benefit of an approved permit.

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[10] https://www.orlando.gov/files/sharedassets/public/v/1/initiatives/pulse/pulse_planningpermittingrecords.pdf
[11] https://www.orlando.gov/files/sharedassets/public/v/1/initiatives/pulse/pulse_fireinspectionrecords1.pdf

- 2.14 Unpermitted Renovations: Obstacles for Escape. Within this segment, "They Knew" suggests the "illegal" unpermitted renovations done to the interior and exterior of Pulse hindered the escape of survivors. It is unable to be determined if these unpermitted changes directly caused survivors to be unable to escape. It has been proven the actions of the gunman, Omar Mateen, directly caused survivors to be unable to flee to safety. What is directly able to be established from reviewing the FBI's Ballistic Report[12] for Pulse is Omar Mateen entered Pulse with 338 rounds of ammunition. This consists of 9 magazines of 30 rounds of ammunition for each magazine chambered in 5.56x45mm/.223 caliber for Mateen's Sig Sauer MCX semiautomatic .223 caliber rifle, and 4 magazines of 17 rounds of ammunition for each magazine chambered in 9mm caliber for Mateen's Glock 17 handgun. At the conclusion of their investigation, the FBI's Ballistic Report indicated the recovery of 9 magazines chambered in 5.56x45mm/.223 caliber and only 49 rounds remaining, and the recovery of 4 magazines chambered in 9mm caliber and only 22 rounds remaining. This would reveal Mateen expended 208 rounds of ammunition from his Sig Sauer MCX semiautomatic .223 caliber rifle, and 59 rounds of ammunition from his Glock 17 handgun.
- 2.15 The Orlando Sentinel Reports on Exits and the Unpermitted Fence. Discussed extensively are the unpermitted and uninspected (by the City of Orlando Planning Division) changes made to Pulse in 2010.
- 2.16 DOJ Report Cites "Narrow Hallways" Interfered with Rescue. "They Knew" makes the statement, "Throughout the report ["Rescue, Response and Resilience"] are references to "narrow hallways" which interfered with law enforcement being able to locate the shooter and rescue victims," in addition to the statement, "The last approved floor plans of Pulse from 2003 show no hallways. All hallways that existed in the nightclub were constructed without permits. Thus, these "narrow hallways" were never inspected to ensure that they were in compliance with building codes or that they met fire code standards." In reviewing "Rescue, Response and Resilience," these two statements were located: "Upon entering the Adonis Room, they determined the shots were coming from a narrow and dimly lit hallway," and "Command personnel determined that an exterior breach offered a safer option than a direct assault down the narrow hallway to rescue the hostages." While both statements do mention "narrow" with reference to hallways, the assumption they interfered with the tactical response to a barricaded gunman located in a bathroom with opposing doorways at the end of a short hallway is inaccurate. "They Knew" chooses to interpret "narrow" with reference to the hallways as being narrower than what is appropriate. While it is accurate the 2010 floor plan changes to Pulse were unpermitted and uninspected by the City of Orlando Planning Division, it is unknown if the hallways at Pulse were "narrow" or if in fact they were the appropriate width to meet applicable building codes and fire standards. It has been established OFD consistently inspected Pulse, and included hallways in their inspection criteria ensuring they were free of storage and unobstructed for immediate use, and no violations were ever discovered. As a result, the allegations made within this section are inaccurate, misleading, and erroneous.
- 2.17 Beaded Curtains: Another Violation Impeding Escape and Rescue. Discussed is the existence of beaded curtains in certain doorways inside of Pulse. From the information provided, it is unknown how many beaded curtains were inside of Pulse at the time of the shooting, how long

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[12] https://vault.fbi.gov/pulse-nightclub-shooting-fbi-lab-ballistics-report/pulse-nightclub-shooting-fbi-lab-ballistics-report-part-01-of-01/view

they were in existence, or if the beaded curtains obstructed actual exits or only internal doorways. "They Knew" alleges these beaded curtains were in violation of Florida Fire Prevention Code 14.4.2.1 which states, "No furnishings, decorations, or other objects shall obstruct exits or their access thereto, egress therefrom, or visibility thereof." A total of approximately one-hundred and fifteen (115) inspections were conducted by OFD at Pulse between April of 2005 through May of 2016. No instances of OFD citing Pulse for having beaded curtains were discovered.

- 2.18 Media Inquiries About Unpermitted Work. Presented is an email between City of Orlando employees Heather Fagan and Kyle Shepherd in which the following statement is made, "The owner [the Poma's] did not complete the necessary paperwork to obtain permits." This is a completely accurate statement, and no evidence has been discovered indicating the Poma's ever obtained the proper permits to make the floor plan changes at 1912 South Orange Avenue in 2010. In the third paragraph of this section, "They Knew" makes the statement, "Records show that the installation of required Life Safety Features was even cancelled by the Orlando Fire Department in 2010 under the instruction of Timothy Johnson (Permitting Services), who also claimed that new floorplans did not have to be submitted to OFD despite the known unpermitted renovations and lack of building inspections." This would be an inaccurate statement with reference to OFD cancelling required Life Safety Features and would have been done only by Timothy Johnson in the latitude exercised under his responsibility as Division Director of Permitting Services.
- 2.19 Citizens Questioned Impact of Unpermitted Renovations. This section represents several emails from citizens questioning the unpermitted fencing at Pulse.
- 2.20 City of Orlando's Q&A Document. Presented is an internal City of Orlando document in which a question-and-answer analysis regarding Pulse related issues are discussed. The issues addressed include allegations of blocked exits, life-safety issues, the results of and different types of fire inspections, occupancy levels, unpermitted work, and floor plans. "They Knew" counters each of the City of Orlando's statements and attempts to discredit these responses.

X. INVESTIGATION – ALLEGATION THREE (3)

The third allegation against the Poma's was presented within Part IV of "They Knew" and titled, "Occupancy Violations and Evidence Pulse was Over Capacity." It was alleged a history of occupancy violations from public records and survivor accounts show Pulse was likely over capacity on June 12, 2016. Below are the responses to the allegations made within each specific subsection.

- 4.1 OPD Officer Reports Overcrowding at Pulse (May 5, 2007). This refers to an email between two (2) OFD personnel who reference an unknown female OPD officer who believes Pulse is frequently overcrowded based on the volume of vehicles parked on Esther Street. The identity of the female OPD officer who allegedly made the statement is unknown and this assertion is unable to be verified.
- 4.2 Repeat Occupancy Violations and Notices. This section references OFD inspections conducted at Pulse. OFD notified Pulse it must maintain an accurate occupancy count, to include the use of handheld clickers, and an occupancy load sign must be always posted. This statement references seven (7) instances in which OFD conducted inspections at Pulse and violations were discovered. Among the documents provided by the complainants, a document titled, "Permitting/Code Enforcement/Planning/Fire/Life-Safety Timeline," was reviewed. This specific document

contained a chronological listing of all life-safety inspections conducted at 1912 South Orange Avenue by OFD. While "They Knew" chooses to highlight these seven (7) instances where violations were discovered by OFD, what is not disclosed or discussed are the number of times in which Pulse was inspected and no violations were observed. In looking at this data, between April of 2005 and through May of 2016, OFD conducted approximately one-hundred and fifteen (115) inspections at Pulse. Of these inspections, it was determined on approximately ninety-four (94) occasions, there were no violations discovered, while it was determined on approximately twenty-one (21) instances, violations were discovered. This data reveals Pulse had a violation approximately 18% of the time and was in total compliance with life-safety inspections approximately 82% of the time. The statements and accusations made within "They Knew" in reference to this topic are misleading and do not accurately reflect the status of Pulse being compliant during unannounced OFD inspections approximately 82% of the time over an eleven (11) year period.

- 4.3 History of Crowded Conditions at Pulse. Based purely on speculation, a former Pulse dancer believed that on "most nights," Pulse was filled with between 500 to 600 patrons and on high-capacity nights, up to 800 people might be at Pulse. Multiple pictures of people on a dance floor were included and allegedly obtained from social media. It is unknown if the pictures were taken at Pulse and the reliability of this information cannot be relied upon.
- 4.4 Incident Report, Proper Protocol Not Being Followed (December 24, 2009). After an OFD response to Pulse for a false fire alarm, crowded conditions were discovered and Pulse management could not provide an accurate occupant count, nor was there evidence of a handheld clicker. This allegation is accurate and is listed on the "Permitting/Code Enforcement/Planning/Fire/Life-Safety Timeline" document. A review of the narrative section for this incident notes OFD adequately addressed the observed violation and advised Pulse of the corrective action needed.
- 4.5 "321 People" initially reported inside of the club. Within a report by WFTV, it referenced 321 people allegedly being inside of Pulse at the time of the shooting. The FBI conducted the investigation of this shooting, and it is unknown if a handheld clicker to monitor occupants was ever recovered. While OPD did take photographs of the inside of Pulse post-shooting, these photographs were taken after all evidence had been removed by the FBI. As a result, it is undetermined what the actual patron count was on June 12, 2016.
- 4.6 OnePULSE Foundation Designs Show Nightclub was Over Capacity. It is alleged Pulse was overcapacity from a memorial design by adding the 268 reflective columns to honor survivors, along with the 49 killed, to arrive at 317 occupants at the time of the shooting. It is uncertain the validity of the 268 reflective column submissions, and as a result, this information cannot be relied upon.
- 4.7 Communications Regarding Occupancy to be Vetted by City Attorney. This document merely represents an email from OFD dated June 21, 2016, anticipating a request for documentation of the occupancy level at Pulse.
- 4.8 Orlando Fire Department vs. Permitting Services. Within this document, OFD was requesting a new set of floor plans during 2009 and 2010 to assist with recalculating Pulse's occupant load. In reviewing OFD's fire inspection records at Pulse[13], OFD determined on May 12, 2010, Pulse

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[13] https://www.orlando.gov/files/sharedassets/public/v/1/initiatives/pulse/pulse_fireinspectionrecords2.pdf

needed to provide new floor plans to the City of Orlando's Permitting Division to assist with occupant load evaluation. OFD was informed Pulse did not have to provide new floor plans based on the authority of Timothy Johnson with the City of Orlando's Permitting Division. These documents solidify OFD's ongoing involvement with addressing life-safety issues at Pulse.

- 4.9 Email from Fire Marshal Tammy Hughes. Within this email, OFD Fire Marshal Tammy Hughes speaks about the square footage of Pulse, the historical changes in the occupant load, the number of exits, the date of the last OFD inspection which occurred on January 28, 2016, and the date of the last OFD Company Officer exit check on May 21, 2016.
- 4.10 Varying Occupancy Loads. The historical changes to the occupancy load at Pulse is highlighted, and two (2) letters from the City of Orlando Office of the Fire Marshal are included. These letters provided Pulse with their maximum occupant loads of 430 on April 20, 2009, and of 360 on May 14, 2010, indicating OFD was being conservative and lowering the number of patrons allowed inside Pulse. Within both letters, OFD clearly states, "As a reminder, it is the responsibility of the owners and management to prevent overcrowding…" These letters, in addition to the historical list of actions taken by OFD within, "Permitting/Code Enforcement/Planning/Fire/Life-Safety Timeline," show OFD was actively involved in monitoring life-safety issues at Pulse.

XI. INVESTIGATION – ALLEGATION FOUR (4)

The fourth allegation against the Poma's was presented within Part I of "They Knew" and titled, "Operating in Violation of Conditional Use Permit." It was alleged Pulse operated for years in violation of their conditional use permit which allowed their business to operate as a restaurant and martini bar with strict written limitations and not as a nightclub. Below are the responses to the allegations made within each specific subsection.

- 1.1 CUP2003-00012: Approval for Restaurant and Martini Bar. These records show the Poma's application to the City of Orlando's Municipal Planning Board with a request to open a martini bar / restaurant at 1912 South Orange Avenue. This application was approved under Conditional Use Permit (CUP) 2003-00012 on July 15, 2003. The Poma's were required to obtain a CUP for this address as it was anticipated the sales of alcoholic beverages would exceed 49% of gross revenues while being located within 1,000 feet from a church. Within their CUP application, the Poma's submitted a floor plan which shows three (3) dining areas, in addition to a sample menu. Information is also presented showing on November 18, 2003, Pulse submitted building plans submitted for interior modifications and received an early start authorization issued under BLD2003-08240. A permit for these modifications was issued to Pulse on January 28, 2004.
- 1.2 Violations Documented by the City of Orlando. This segment contains a document obtained from the City of Orlando's Pulse Tragedy Public Records website.[14] This informative document (Pulse Code Enforcement Record Pre 6-12 (pages 134-136)) prepared by the City of Orlando (presumably in 2010) highlights property information, notable conditions of the conditional use approval, issues with the approved conditional use permit, issues with unpermitted exterior improvements to the site, existing parcel tags, permit history, and next steps. This document within "They Knew" fails to include the chronological permit history disclosed on the City of

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[14] https://www.orlando.gov/files/sharedassets/public/v/1/initiatives/pulse/pulse_planningpermittingrecords.pdf

Orlando's website. It is unknown why "They Knew" would omit this significant and important information.

- 1.3 Email from Jason Burton: "The CUP was approved for a restaurant, not a nightclub." This section documents the City of Orlando's determination Pulse was operating outside of their CUP for a martini bar / restaurant and was conducting business as a nightclub.
- 1.4 Letter to Rosario Poma from the City of Orlando. Within this portion, an email in July of 2010 is disclosed where the City of Orlando notifies Rosario Poma of their interest in meeting to discuss the previously approved CUP and exterior modifications to 1912 South Orange Avenue.
- 1.5 Letter from Dean Grandin, "Significant change in use to that approved by the Municipal Planning Board." A letter dated May 12, 2004, from the City of Orlando to Rosario Poma is included and the Poma's are notified they are operating outside of their approved CUP. The Poma's are informed of several options to gain compliance which would be to initiate a new application for a CUP for a nightclub, or to comply with their original CUP. The Poma's are also informed, "...the ground floor building wall facing the street must contain a minimum of 15 percent transparent materials, located between 3 and 7 feet measured from the ground level; furthermore, at least one public entrance must be oriented toward the street." This letter highlights the City of Orlando's active involvement in monitoring how Pulse was conducting their business, and the steps taken to have the Poma's gain compliance. "They Knew" also alleges the lack of proper windows encumbered escape and rescue with the statement, "If the required windows existed at the time of the shooting, law enforcement officers would have had additional entry points to the building, as well as spaces through which to visualize the layout of the building and the locations of hostages and the shooter during the three-hour long incident." This conditional assertion is entirely speculation and should not be entertained.
- 1.6 Rosario Poma Tells City He Will Remove Dance Floor. In response to the City of Orlando's May 12, 2004, letter, Rosario Poma states in a letter dated May 13, 2004, he will submit revised plans for the front of Pulse facing South Orange Avenue with 15% transparency in a manner acceptable to the City of Orlando and will remove a dance floor. At no point does Poma acknowledge or address the City of Orlando's request for a new CUP to comply with Pulse operating in practice as a nightclub, instead of as a martini bar / restaurant, which Pulse was approved for. "They Knew" makes an assumption when it states, "Furthermore, the main dance floor, which was in violation of the business's conditional use permit, was where most victims were shot and murdered. Had the laws been enforced, people would not have been congregating in this space while dancing to the DJ's music." This premise is incorrect, is not a rational conclusion, and should be dismissed.
- 1.7 "Dance Hall" Added to Business Tax Application. Numerous documents are presented from 2005, 2008, 2009, and 2010 in which Pulse acknowledges having a dance floor, which is contrary to Rosario Poma's May 13, 2004, letter where he stated Pulse would be removing their dance floor.
- 1.8 Regular Cover Charges Were in Violation of CUP2003-00012. This document highlights an alleged advertisement from Pulse in 2007 when they charged admission fees. Per their CUP, "...cover charges and entry fees may only be collected on an occasional basis for special events such as live entertainment." Despite the wording "Nightly Events" on the advertisement, it is unknown if this was for a special event or how frequently admission fees were charged.
- 1.9 Transportation Engineer Review (May 21, 2003). In a May 21, 2003, review of the parking lot at 1912 South Orange Avenue (performed before Pulse received their CUP), a transportation

engineer for the City of Orlando identified the potential need for changes to the parking lot. It was recommended if in the future Pulse is substantially / significantly enlarged or improved, other changes to the parking lot will be required per City Code for properties accessing from a thoroughfare street such as Orange Avenue.

- 1.10 Violation: Operating as a Bar/Nightclub. Evidence is presented in which an unknown individual named "Hanna" submitted a complaint in 2010 to the City of Orlando's Code Enforcement Division alleging Pulse did not have a permit for their bar. This complaint was cleared by Code Enforcement referencing Pulse's CUP and their alcohol license (ABL2004-00057).
- 1.11 Violation: Conditional Use Permit. In a complaint to the Code Enforcement Division from an individual listed as "Guest," it was alleged Pulse was operating as a nightclub and outside of their CUP. While Code Enforcement Inspector "Bernard" closed out this complaint by stating, "This establishment received full approval from the City to open as a nightclub in 2003," this statement is inaccurate.
- 1.12 Zoning Incident #433805 (June 21, 2016). This represents an opened Code Enforcement incident post-shooting and has no relevance to this investigation.

XII. INVESTIGATION – ALLEGATION FIVE (5)

The fifth allegation against the Poma's was presented within Part V of "They Knew" and titled, "Other Issues with Security and Risk Management." Below are the responses to the allegations made within each specific subsection.

- 5.1 Letter to City: "We have no money to install such an elaborate system at this time." This segment discloses an April 8, 2009, letter from a Pulse representative to City of Orlando Fire Marshal Tammy Hughes requesting an additional year to install a new fire alarm system. It is unknown from the documentation available if the addition of a Voice Evacuation System installed with the permit under FIR2009-01036 was done in lieu of obtaining a sprinkler system.
- 5.2 Fire Alarm Cancellation and Interior Modifications. In a letter dated June 1, 2010, Millennium Fire and Security, Inc., notifies City of Orlando Fire Marshal Tammy Hughes, Pulse has cancelled their monitoring contract, and altered the building at 1912 South Orange Avenue.
- 5.3 City of Orlando to Rosario Poma: "You must provide safety for your customers." In a handwritten note by an unknown author on an unknown date, a City of Orlando official informed Pulse they shall provide a signed and dated contract from a licensed alarm company within 30 days. Upon receipt of this contract, the City of Orlando agreed to provide Pulse a time limit for all work to be completed, in addition to a reminder whereby Pulse must provide safety for their customers and continue to work with OPD on site. This note is informational only for Pulse and has no investigative value.
- 5.4 City's Notes with Rosario Poma (August 6, 2010). A handwritten note from August 6, 2010, by an unknown City of Orlando employee during a meeting with Rosario Poma, details various steps taken by Pulse. The notes state Pulse has secured additional off-site parking, Pulse is being blamed for disturbances which are not their fault, they have hired additional police for security, and have been in business for six years and have done a great deal of improvements. "They Knew" attempts to critique Pulse's efforts by stating, "Video surveillance footage shows the shooter walking right into the nightclub around 2:02 am [with a] Sig Sauer MCX semi-automatic .223 caliber rifle and a Glock 17 9 mm handgun – without being stopped by security." It is unknown if

"They Knew" is implying the Pulse shooter would have been stopped from entering had there been additional police present. Too many unknown answers exist to adequately address this entirely speculative statement made by "They Knew" and as a result, no cause-and-effect analysis should be attempted.

- 5.5 Neighborhood Meeting About Pulse and letter to Mayor Daley. In May of 2010, OPD and Rosario Poma met with residents from the neighborhood around Pulse to address complaints stemming from the behavior of Pulse patrons. A letter to Mayor Dyer dated October 24, 2016, from a neighbor of Pulse who complained about the behavior of Pulse patrons, was also included.
- 5.6 Poma's lawyer, Gus Benitez, requests Orlando Fire Department Records. In an email dated June 21, 2016, Pulse attorney Gus Benitez requested from OFD all inspection reports and any other documents from the three months prior to the June 12, 2016, shooting. "They Knew" states this email suggests Pulse was not in compliance with Florida Fire Protection Code: 10.2.5, whereby an owner of a building shall keep records of all maintenance, inspections, and testing of all fire related protection systems. This is entirely speculation and should not be given any further attention.
- 5.7 Blocked, Locked, and Improperly Functioning Doors and Obstructed Exits. Presented is a document from OFD dated May 21, 2016, and detailing an exit check performed at Pulse. Box # 7, "Exit Door or Hardware Inoperable" is checked, and an open box is checked with a handwritten note stating, "Fire Extinguisher not hanging." Also presented is a printout from an internal OFD software system presumably used to track inspections. In the comments section of the May 21, 2016, inspection entry is the statement, "DOORS ARE INOPERABLE." This discrepancy was assigned for follow-up on June 5, 2016, with follow-up to be completed by July 1, 2016. With the Pulse shooting taking place on June 12, 2016, subsequent follow-up on this discrepancy was not performed. "They Knew" also introduced four (4) previous OFD exit check documents in which exit violations were discovered at Pulse. A review of OFD's fire inspection records reveals Pulse either remedied the violation while OFD was on site or fixed a violation prior to a subsequent inspection.[15]

XIII. CONCLUSION

In conducting this investigation, a thorough and comprehensive review was conducted on all evidence presented by the complainants. Several previous investigations into the June 12, 2016, mass shooting at Pulse have been conducted. The primary investigation was conducted by the FBI however this investigation is not public-record and was not available for review. The investigation conducted by OPD documented the timeline of actions taken by responding officers from the initial shooting, and through the final exchange of gunfire with the shooter. The investigation conducted by the FDLE focused on the use of deadly force by OPD and the Orange County Sheriff's Office. The internal investigation conducted by OPD focused on policy compliance. The common determination from these competent and well-documented investigations was this shooting was perpetrated by Omar Mateen. The FBI concluded this was a terrorist attack, and significant evidence exists to show Mateen conducted this attack in support of ISIS (Islamic State of Iraq and Syria).

The first allegation against the Poma's within "They Knew," stated the unavailability of building plans to first responders during the three-hour long hostage situation, as law enforcement dealt with the chaos of navigating a dark building with limited layout information and an active shooter, hampered response efforts. This investigation determined no actual or up to date floor plans for Pulse were ever available to first responders. While OPD has immediate access to floor plans of schools, hospitals, various churches, hospitals, malls, and public venues, what is not maintained and not immediately available on a Sunday morning at approximately 0200 hours are floor plans of every bar, nightclub, restaurant, or other commercial establishment located in the City of Orlando. Having floor plans would be ideal and the perfect scenario for any tactical response, however this did not mean law enforcement stopped their response efforts at Pulse. Despite not having current floor plans, OPD Detective Adam Gruler, who had worked in an off-duty capacity at Pulse for approximately a year and a half to two years, was on scene and was familiar with the layout of the building. Detective Gruler was able to provide accurate floor plan information to OPD Lieutenant Scott Smith who led the response efforts. Within their comprehensive after-action report titled, "Rescue, Response, and Resilience," the U.S. Department of Justice, Office of Community Oriented Policing Services, ultimately determined Omar Mateen stopped discharging his firearms at 0210 hours, and by 0527 hours, when Mateen was shot and killed, a total of at least ninety (90) individuals had been rescued by law enforcement from within Pulse. As a result, the evidence reviewed and obtained shows the lack of accurate and up to date floor plans at Pulse did not hamper the law enforcement response to a terrorist attack.

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[15] https://www.orlando.gov/files/sharedassets/public/v/1/initiatives/pulse/pulse_fireinspectionrecords2.pdf

With reference to the second allegation within "They Knew" in which it was alleged unpermitted renovations and building modifications done to the interior and exterior of Pulse were unchecked and unregulated by the City of Orlando, it was determined Pulse did make unpermitted renovations to both their inside and outside. Evidence shows the Poma's received approval from the City of Orlando's Municipal Planning Board to open a martini bar / restaurant under CUP 2003-00012 on July 15, 2003. The floor plans approved with this CUP show what appears to be a restaurant, however in the floor plans approved for Pulse under BLDG2003-08240 on November 11, 2003, the floor plans are significantly different than those under their approved CUP and look much more like a nightclub. Upon discovering this difference, the City of Orlando's Permitting Division notified Pulse in writing they could initiate a new application for a CUP for a nightclub or comply with their original CUP. Pulse did not comply with either option and continued to operate as a nightclub. In May of 2010, Pulse submitted updated floor plans to the City of Orlando's Permitting Division with significant changes to their interior and exterior, but never obtained a permit to make these changes. No evidence was uncovered indicating the City of Orlando's Permitting Division ever made Pulse obtain a permit retroactively for these changes.

In their third allegation, "They Knew" attempted to show Pulse had a history of occupancy violations from public records and survivor records indicating the nightclub was likely over capacity on the night of the shooting. Evidence was uncovered indicating Pulse was inspected by OFD on a regular basis and while there were instances of Pulse not utilizing a hand-held checker to monitor capacity, it was proven Pulse was compliant during 82% of OFD's unannounced inspections between 2005 and 2016. Any violations were addressed by Pulse while OFD was on scene, and of those unable to be immediately addressed, a follow up inspection was conducted to ensure compliance. The exact number of occupants inside Pulse on the night of June 12, 2016, is unable to be accurately determined. The FBI would be in possession of the hand-held clicker (if one exists) used to monitor the patron count. This item is not available to be reviewed and was removed from inside of Pulse prior to the photographs taken by OPD. As a result, the exact number of patrons inside of Pulse at the time of the shooting is unable to be accurately established.

When addressing the fourth allegation made by "They Knew," significant evidence was uncovered to support this claim. It was alleged Pulse operated in violation of their conditional use permit, which allowed the business to operate as a restaurant and martini bar with strict written limitations and not as a nightclub/dance hall. It has been established Pulse received a conditional use permit (CUP) from the City of Orlando Municipal Planning Board to operate as a martini bar / restaurant on July 15, 2003. In obtaining their CUP, floor plans were submitted with their application which clearly shows three (3) dining areas. On November 18, 2003, Pulse submitted and received approval from the City of Orlando to amend their floor plans under BLDG2003-08240. Upon discovery of the difference between the floor plans approved under Pulse's CUP with the floor plans approved under BLDG2003-08240, a letter from the City of Orlando was sent to Rosario Poma on May 12, 2004. This letter informed Pulse they could make the necessary changes to either meet their original CUP or apply for a new CUP to be classified as a nightclub. Pulse took no action with this request from the City of Orlando and moved ahead with their intention of operating Pulse as a nightclub. When the City of Orlando was made aware of the interior and exterior changes to Pulse in 2010, it does not appear any action was taken by the City of Orlando in addressing these changes.

In their last allegation, "They Knew" alleged there were other general failures in security and risk management at Pulse. The issues raised within this specific allegation center around a sprinkler system / voice evacuation system for fire purposes, the relationship between Pulse and those in the neighboring community, the direct entry by Omar Mateen into Pulse without being stopped by security, and the possibility there were blocked, locked, and improperly functioning doors and obstructed exits. With reference to the direct entry by Omar Mateen into Pulse, too many unknowns exist to be able to definitively answer how entry was able to be made. In addressing the issue with the doors and exits at Pulse and discovered during OFD's May 21, 2016, inspection, follow-up inspection was assigned on June 5, 2016, with a completion date set for July 1, 2016. With the shooting taking place on June 12, 2016, OFD was unable to complete their follow-up inspection and as a result, it is unknown if Pulse remedied this violation prior to this shooting or which door OFD was referring to as it was not specified during their inspection.

"They Knew" introduced evidence the complainants believe supported the Poma's being criminally charged with F.S. 782.07-3, Involuntary Manslaughter by Culpable Negligence which would need to be proven beyond a reasonable doubt. This statute is comprised of two (2) elements with the first requirement being a victim is dead. This part of the statute is satisfied and there is no statute of limitations issue as a prosecution for a felony resulting in death may be commenced at any time as noted in Florida Statute 775.15(1).[16] The second part this statute, "The death of (victim) was caused by the culpable negligence of (defendant)," is not able to be established from the evidence obtained and reviewed. As explained within the jury instructions for this statute, culpable negligence is defined as, "...for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard for the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights. The negligent act or omission must have been committed with an utter disregard for the safety of others.

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[16] http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0775/Sections/0775.15.html

Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury."

None of the actions by the Poma's with reference to the unpermitted changes to their floor plans, or their alleged inattention towards their doors and exits were done with a reckless disregard of human life or with an utter disregard for the safety of others. The Poma's could not have reasonably foreseen or anticipated a terrorist incident taking place at Pulse. Omar Mateen, who possessed both an assault rifle and a semi-automatic handgun, discharged his firearms approximately 267 times, resulting in the deaths of forty-nine (49) people and the wounding of fifty-three (53) other individuals.

Even if every alleged violation of building and fire codes at Pulse were provable beyond a reasonable doubt and even if it could be proven some of the victims killed at Pulse by Mateen would have survived if it were not for these alleged building and fire code violations, the wrongdoing of Mateen is legally an independent intervening act which supersedes any possible criminal liability the Poma's could have had for any of the deaths. It has been well established under case law in the State of Florida the independent acts of third persons can break the required chain between the death of a victim and the culpable negligence of a defendant and constitute an independent intervening act for which the defendant cannot be held criminally liable. *Hodges v. State*, 661 So. 2d 107 (Fla. 3d DCA 1995).

As a result of the evidence obtained, probable cause does not exist to charge the Poma's with F.S. 782.07-3, Involuntary Manslaughter by Culpable Negligence, and this investigation should be considered CLOSED.

I swear/affirm the above statements are correct and true.

Signature

Michael Stanley 14767

Name and Employee Number

Wesley Whited

Supervisor Approval

Sworn to and subscribed before me, the undersigned authority, this 1st day of August 2024.

☒ Law Enforcement Officer
Orlando PD Emp. # 12071

☐ Notary Public

☐ Personally Known ☐ Produced Identification

Appendix B: Document 287

United States of America v. Noor Zahi Salman

May 5, 2018

Source: United States District Court, Middle District of Florida
https://www.flmd.uscourts.gov/noteworthy-cases/salman

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 6:17-cr-00018-ORL-40KRS

NOOR ZAHI SALMAN,

Defendant.

DEFENDANT'S MOTION TO PRECLUDE IMPROPER ARGUMENT IN GOVERNMENT'S OPENING STATEMENT[1]

COMES NOW the Defendant, Noor Salman, by and through undersigned counsel, and asks this Court to preclude the Government from improper argument in opening statement regarding: (1) Omar Mateen's targeting the Pulse nightclub as an intended attack on the gay community; (2) Mateen's purchases of items without Salman's presence or prior knowledge; (3) Salman's presence during Mateen's purchase of the .38 caliber pistol ammunition from Wal-Mart on May 31, 2016; (4) Mateen's designation of Ms. Salman as a beneficiary for Mateen's PNC Bank Account on June 1, 2016.

Factual Background

I. Facts related to Mateen's attack on the Pulse nightclub as an intended attack on the gay community

During the suppression hearing, FBI Agent Christopher Mayo testified that statements Ms. Salman made raised his suspicions that she had foreknowledge of the attack. Specifically,

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[1] Although the motion *in limine* deadline has passed, the defense files this Motion to Preclude Improper Argument based on the Government's recently filed trial briefs, which have now brought the need for this Motion to light.

Salman allegedly said that Mateen liked gay people before being informed that Mateen had attacked a gay nightclub.

Based on this and other statements perceived to be inconsistent with her denial of foreknowledge of the attack, the FBI decided to continue her questioning with FBI Special Agent Richardo Enriquez, a trained polygrapher. During her questioning by SA Enriquez, Ms. Salman signed a written statement prepared by Agent Enriquez at 4:43 pm. The written statement included the language: "When I went to Orlando with Omar last week we drove around the Pulse Night Club after we ate at the Arabic Restaurant. We drove around the Pulse Night Club for about 20 minutes with the windows of the car down. Omar was driving slowly, looking around and at one point stated 'how upset are people going to be when it gets attacked!'" In the margin, in Ms. Salman's handwriting, is written: "I knew he was talking about himself doing the attack on the Pulse." The written statement also included the words: "On Friday, June 10, 2016, late night, Omar was looking at a website for the Pulse Night Club and when I saw what he was looking at, he said, 'this is my target.'" Finally, the statement included the language: "I knew when he left the house he was going to Orlando to Attack the Pulse Night Club."

Despite these statements, the Government did not include scouting the Pulse as one of the acts in furtherance of the alleged conspiracy it identifies in its trial brief. There is good reason for this: the defense proffers that the location data from Salman and Mateen's phones, receipts, and video footage preclude the possibility that either Mateen or Salman scouted the

Pulse nightclub on June 8, 2016, when Salman and Mateen traveled to Orlando. In fact, location data does not place either of them in the vicinity of the Pulse nightclub at any time before Mateen traveled there, alone, in the early morning hours of June 12, 2016.

There is no serious disagreement on this point. The Government's expert report, prepared by Richard Fennern, does not conclude that Salman was in the vicinity of the Pulse nightclub on June 8, 2016, or at any other time.

Defense expert Richard Connor, based on the forensic data from Mateen and Salman's phones, has formed the opinion that Salman was not physically in the vicinity of the Pulse and, thus, would not have been able to observe Mateen's scouting the Pulse nightclub. Mr. Connor also formed the opinion that Mateen's cell phone did not show him in the vicinity of the Pulse nightclub prior to the early morning hours of June 12, 2016. Likewise, the FBI investigation was unable to find any reliable evidence that Mateen had been in the vicinity of the Pulse nightclub prior to the attach on June 12, 2016.

Richard Connor identified only two approximately one-hour time periods on June 8, 2016, when Mateen and Salman were in the Orlando area, for which there was any gap in the GPS data: between 6:44 pm and 7:48 pm and between 10:09 pm and 11:22 pm. These gaps, however, are filled by other evidence. Forensic data from Mateen's phone shows that at 6:44 pm on June 8, Mateen and Salman were at the intersection of Sand Lake Road and South Orange Blossom Trail, in the vicinity of the Florida Mall. Video evidence establishes that Mateen and Salman were shopping at the Victoria's Secret in the Florida Mall at 7:20 pm that night. It would have been impossible, even with no traffic, for Mateen and Salman to travel to Pulse (which is 6.6 miles away from the Florida Mall) and back to Victoria's Secret in this time span.[2] Similarly, a receipt from Falafel King shows that Omar Mateen paid for the family's meal at 10:29 pm that night, after which video footage shows that he visited a nearby mosque at 11:16 pm. It would have been impossible, even with no traffic, for Mateen and Salman to travel to the Pulse nightclub and back to the mosque (a distance of 20.4 miles each way) in this time span. Cell tower data from Mateen and Salman's phones shows that they immediately returned home after leaving the mosque. In short, the expected forensic evidence contradicts Salman's alleged statement that Mateen scouted the Pulse while she was present.

Likewise, there is no evidence that Omar Mateen accessed the Pulse nightclub website late on the night of June 10, 2016, or at any other time. No IP addresses associated with Salman and Mateen's home Wi-Fi router accessed the Pulse nightclub website's server on the night of June 10, 2016, or the early morning of June 11, 2016. There is no evidence that any of Mateen or Salman's devices ever accessed the Pulse nightclub website's server.

This is not in serious contention. The Government's expert reports fails to find any evidence, on any of Mateen or Salman's devices, indicating that the devices had accessed the Pulse nightclub website. The Government's expert report, however, leaves open the possibility that the website could have been accessed in Google's "incognito mode," which Mateen had used in the past. A phone does not necessarily record when the phone uses incognito mode.

Defense expert Joshua Horowitz, however, will testify that "incognito" mode does not prevent a device's public IP address from pinging websites accessed by the device. Mr. Horowitz will also testify that none of the IP addresses reported by Google as being associated with

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[2] Round trip, Google maps estimates that traveling from the Florida Mall to Pulse and back would take 40 minutes in conditions with "no traffic."

Mateen or Salman's email addresses[3] or associated with one of Mateen or Salman's devices accessed the Pulse nightclub website during the relevant time period. In short, the forensic evidence contradicts Salman's alleged statement that Mateen showed her the Pulse nightclub website and said, "This is my target."

Finally, the defense proffers that evidence concerning Mateen's actions on the evening of June 11, 2016, and early on June 12, 2016, strongly suggests that the attack on Pulse was not a result of a prior plan to attack a gay nightclub. On the evening of June 11, 2016, Mateen left his home around 5:00 pm. Credit card records and forensic evidence from Mateen's phone show that Mateen purchased food in southern Orlando, between 7:27 pm and 7:51 pm on June 11. Cell tower data and security footage show that Mateen went to Disney Springs around 10:00 pm that night. Security camera footage and police records establish there were several uniformed police officers at Disney Springs when Mateen arrived. While at Disney Springs, at 10:27 pm, Mateen searched Google for "disney springs." At 11:05 pm, Mateen searched Google for "disney world." Cell tower data shows that Mateen was in the vicinity of Epcot, one of the Disney World parks, at 12:22 am on June 12, 2016.

At 12:22:11 am on June 12, 2016, Mateen searched "downtown orlando nightclubs." This search produced Google results showing both EVE Orlando and the Pulse nightclub. At 12:22:42 am, Mateen got directions from Google Maps to EVE Orlando. EVE Orlando does not specifically cater to the LGBT community. At 12:30 am, Mateen got on I-4, heading north, toward EVE Orlando. Forensic data from Mateen's phone shows that Mateen arrived in the vicinity of EVE Orlando at 12:55 am. By 1:01 am, though, Mateen drove away from EVE Orlando.[4]

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[3] Both Salman and Mateen maintained Google email addresses. Google records IP addresses for each device that accesses Google email accounts. The forensic data shows that Salman and Mateen frequently signed in to their email accounts, thereby providing the IP addresses used by their phones.

Around 1:01 am on June 12, Mateen apparently re-ran the search for "downtown orlando nightclubs" and obtained directions to the Pulse nightclub. He turned and started driving southward toward south of downtown Orlando (SODO). Between 1:12 am and 1:16 am, Mateen passed the Pulse nightclub for the first time. After this, he drove around the SODO area. At 1:33 am, he searched once again for "downtown orlando nightclubs" and obtained Google Maps directions to go back to EVE. He was in the immediate vicinity of Pulse when he made this search. At 1:34 am, Mateen began to drive away from Pulse and back toward EVE. At 1:35 am, however, he abandoned going toward EVE, turned around, and started heading back in the direction of Pulse. At 1:37 am, he was back at the Pulse nightclub. From this point, Mateen does not appear to leave the vicinity of the Pulse nightclub. Finally, around 2:00 am, Mateen fired the first shots in the Pulse nightclub.

II. Facts relating to spending.

A. Facts related to Mateen's transactions outside the presence of Salman.

The Government, in its trial brief on aiding and abetting, states that, as an act in furtherance of Mateen's material support, "the defendant and Mateen purchased . . . $1,800 for an AR-15 assault rifle [sic], $550 for a Glock firearm [sic], magazines, and ammunition." Doc. 208 at 10.

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[4] The defense will introduce evidence that EVE Orlando has substantial door security, and that attendees are subject to a body search before entering. There is also a substantial Orlando police presence outside of EVE Orlando. In short, it would have been a difficult target.

The Government's statement mischaracterizes these expenditures. Video footage and forensic evidence from Mateen and Salman's phones establish that Salman was not present when Mateen made the following purchases:

- On June 3, 2016, Mateen purchased 100 rounds of .38 SPC ammunition for the revolver G4S Security issued to him for his job as an armed security officer for $42.00 plus tax from the St. Lucie Shooting Center using a Wells Fargo American Express card in his name.

- On June 4, 2016, Mateen purchased a $1,837 Sig Sauer assault rifle; 1,000 rounds of 223 ammunition for the Sig Sauer for $351.45; three Sig Sauer magazines for $40.47; 100 rounds of .38 SPC ammunition for the G4S revolver for $42.00 plus tax; and one box of 40 caliber ammunition from the St. Lucie Shooting Center/St. Lucie Gun Sales using Florida Community Bank Visa and Capitol One Mastercard cards in his name.

- On June 5, 2016, Mateen purchased a $549.99 Glock G17 9MM from the St. Lucie Shooting Center/St. Lucie Gun Sales using the Florida Community Bank Visa card in his name.

- On June 9, 2016, Mateen purchased nine boxes of 9 mm ammunition for $136 plus tax; 1,000 rounds of 223/5.56 ammunition for the Sig Sauer for $450 plus tax; and three Glock magazines for $94.86, from the St. Lucie Shooting Center/St. Lucie Gun Sales using Wells Fargo American Express and Florida Community Bank Visa cards in his name.

- On June 9, 2016, Mateen purchased a cap; a knife; an additional TAPCO Intrafuse 30 Round Gen II magazine, presumably compatible with the Sig Sauer rifle; two revolver speedloaders; and a pen light for a total of $348.00 from the Port St. Lucie, Florida, Bass Pro Shop using a Capitol One Mastercard card in his name.

In the statements attributed to Salman, she allegedly admitted to learning that Mateen had purchased the rifle and $80 of ammunition for his .38 revolver. But the statement does not mention that he purchased the Glock pistol, or any ammunition or magazines for the Glock, or the rifle.

B. Evidence of alleged acts in furtherance before June 4, 2016.

1. Wal-Mart

On May 31, 2016, Salman drove Mateen to Wal-Mart, where Salman selected a Paw Patrol children's toy with her son. Mateen selected 200 rounds of .38 ammunition for the G4S-issued revolver.[5] Mateen purchased the toy and the ammunition for $102.84, using a PNC Points Visa credit card which is only in his name. This transaction occurred prior to Mateen viewing the Islamic State's call for attacks during Ramadan, which he viewed on June 4, 2016.

2. PNC Bank

On June 1, 2016, Mateen added Salman and their son to his PNC Bank Account as payment-on-death beneficiaries. The defense proffers that testimony will show Mateen discussed the possible options available for his account with Assistant Bank Manager Shellie Morgan, and Salman deferred to Mateen's judgment. This transaction occurred before Mateen viewed the Islamic State's call for attacks during Ramadan, which he did not view until June 4, 2016.

Arguments and Authorities

I. Legal authority

"An improper opening statement unquestionably tends to frustrate the public interest in having a just judgment reached by an impartial tribunal." *Arizona v. Washington*, 434 U.S. 497, 512 (1978). Accordingly, it is within a district court's discretion to preclude references to potential theories of a party if that party cannot or does not intend to lay a factual predicate.

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[5] Mateen did not use the G4S revolver in his attack on the Pulse nightclub. It was found inside his rental vehicle after the attack.

See United States v. King, 2006 U.S. Dist. LEXIS 87052, *39-40 (Fl. M. D. Dec. 1, 2006) (ruling that a defendant was required to lay the proper predicate for an advice-of-counsel defense before suggesting the defense in his opening statement).

II. Application

A. Argument that Mateen intended his attack on the Pulse as an attack on the gay community.

The defense respectfully requests that this Court preclude the Government from suggesting in its opening statement that Mateen intended his attack as an attack on the gay community. This suggestion would be proper only if the Government intends to establish a predicate that Mateen had a pre-existing plan to attack the Pulse nightclub or another location that serves the LGBT community. Absent this predicate, the argument is improper.

The Government's sole evidence that Mateen scouted the Pulse nightclub and visited the Pulse nightclub website derives from Salman's alleged statements. The Government is entitled to proceed on this evidence, but only if the Government intends to assert that Salman's statements regarding scouting the Pulse and showing the Pulse nightclub website are accurate. The Government's assertions in its trial brief regarding aiding and abetting—that Salman "participated with Mateen in casing possible locations for an attack, including City Place and Disney Springs"—cast doubts on whether the Government intends to maintain at trial that Salman's statements to the FBI regarding the Pulse nightclub were accurate. Doc. 208 at 6. The Government's omission of an allegation Mateen and Salman scouted the Pulse nightclub is likely attributable to the contradictory forensic evidence.

While the Government is permitted to pursue alternative theories of liability and alternative interpretations of facts, the Government is not permitted to put forward in its opening statement a theory that it does not intend to support with evidence. The veracity of Salman's statements is the predicate for arguing that the attack on the Pulse nightclub constituted a premeditated attack on the gay community, as opposed to a random target selection by Mateen. As such, the Government must assure the Court in advance that it intends to put forward facts and pursue a line of argument that Pulse was a premeditated target. In the absence of such assurance, references to an attack on the gay community have no foundation in the expected evidence and are therefore improper in the Government's opening statement.

B. Arguments that Mateen's transactions constituted acts in furtherance.

1. Weapons and ammunition purchased while Salman was not present.

The defense respectfully requests that this Court preclude the Government from suggesting in opening argument that the purchases Mateen made when Salman was not present constituted acts in furtherance of the offense.

Mateen purchased the Glock pistol, the Sig Sauer rifle, and all of the ammunition for these weapons with his own credit cards, while Salman was not present. He also purchased items ultimately used for the attack from the Port St. Lucie, Florida, Bass Pro Shop on June 9, 2016, while Salman was not present. Under an aiding and abetting theory, unlike a conspiracy, a defendant is not liable for acts in furtherance of the offense that she did not commit herself. *Compare United States v. Thomas*, 8 F.3d 1552, 1560 n.21 (11th Cir. 1993) ("[A]n individual conspirator need not participate in the overt act in furtherance of the conspiracy") *with United States v. Williams*, 865 F.3d 1328, 1347 (11th Cir. 2017) (""To prove guilt under a theory of aiding and abetting, the Government must prove . . . the defendant committed an act which contributed to and furthered the offense"). The Government has not charged Ms. Salman with conspiracy.

The only evidence linking Salman to the purchase of the rifle are her alleged statements to the FBI that she learned of the purchase after Mateen made it. There is no evidence that Salman had any knowledge of Mateen's purchase of the Glock pistol, or ammunition for the rifle or Glock, at the shooting center. Likewise, there is no evidence that Salman had any knowledge of Mateen's purchases at Bass Pro Shop in Port St. Lucie on June 9, 2016. Without either presence or prior knowledge of these purchases, the purchases cannot be said to be joint acts by Salman and Mateen in furtherance of an offense. While Florida law makes Salman jointly liable for the debts incurred by Mateen, the fact that she would be equally responsible for paying the credit card bills does not convert Mateen's purchases into acts in furtherance by Salman. Actions in furtherance must be attributable to the accused, or encouraged or counseled by the accused. *Rosemond v. United States*, 134 S. Ct. 1240, 1247 (2014).

Accordingly, the defense respectfully requests that this Court preclude the Government from suggesting in its opening argument that Mateen's purchases of the Glock, the Sig Sauer, the ammunition for these weapons, or the items purchased at the Port St. Lucie Bass Pro Shop, are attributable to Salman or constitute evidence of aiding and abetting on her part.

2. Transactions before June 4, 2016.

The defense further requests that this Court preclude the Government from suggesting in its opening statement that actions before June 4, 2016, could aid and abet Mateen's provision or attempted provision of material support to ISIL.

The Government alleges that Salman aided and abetted Mateen's provision of material support, in the form of services and personnel, to ISIL. To show that Mateen provided services and personnel to ISIL, the Government must show that he intended to place himself under ISIL's direction and control. *Holder v. Humanitarian Law Project*, 561 U.S. 1, 23-24 (2010). It appears the Government intends to establish this by showing that Mateen watched a video of Abu Bakr al-Baghdadi, an ISIL leader, calling for attacks during Ramadan.

While al-Baghdadi released the statement calling for attacks on May 21, 2016, the forensic data from Mateen's devices shows that he first viewed the video of al-Baghdadi on June 4, 2016. Before June 4, 2016, there is no evidence that Mateen was aware of ISIL's call for attacks. In absence of such evidence, Mateen's requisite intent to provide services and personnel to ISIL cannot be established as formulated before June 4, 2016. If Mateen did not formulate the intent to provide material support to ISIL, Salman likewise could not have known that he intended to provide assistance under ISIL's direction and control before June 4, 2016. Aiding and abetting requires that the accused have specific, advance knowledge of the crime contemplated by the principal. *Rosemond*, 134 S. Ct. at 1248-49.

In this case, Mateen purchased ammunition for his G4S-issued weapon at Wal-Mart, with Salman present, on May 31, 2016. He added Salman as a payable-on-death beneficiary on June 1, 2016. Both of these dates predate when Mateen learned of al-Baghdadi's directions to carry out attacks during Ramadan. As such, Mateen had not formed the prerequisite intent to materially support ISIL by committing an attack during Ramadan. Salman, therefore, could not have had knowledge of the offense at this point. Without that knowledge, Salman's presence or even participation in these transactions by Mateen could not constitute aiding and abetting the attack. Accordingly, the defense respectfully requests that this Court preclude the Government from suggesting in its opening statement that making Salman a payable-on-death beneficiary or Salman's driving Mateen to Wal-Mart constitute evidence of aiding and abetting.

/s/ Charles D. Swift
Charles D. Swift, Pro Hac Attorney for Noor Salman
Constitutional Law Center for Muslims in America
833 E. Arapaho Rd., Suite 102
Richardson, TX 75074
cswift@clcma.org
(972) 914-2507

/s/ Linda Moreno
Linda Moreno, Esq.
Linda Moreno P.A.
511 Avenue of the Americas
No. 312
New York, New York 10011
Phone: (813) 247-4500
Fax: (855) 725-7454
lindamoreno.esquire@gmail.com

CERTIFICATE OF SERVICE

On March 5, 2018, I electronically filed the forgoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to all attorneys of record.

/s/ Charles D. Swift
Charles D. Swift, Pro Hac Attorney for Noor Salman
Constitutional Law Center for Muslims in America
833 E. Arapaho Rd., Suite 102
Richardson, TX 75074
cswift@clcma.org
(972) 914-2507

Appendix C: Dean Grandin Letter

Source: City of Orlando, Pulse Tragedy Public Records
https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records

CITY OF ORLANDO

May 12, 2004

Mr. Rosario Poma
5795 W. Highway 192
Kissimmee, FL 34746

Re: Property located at 1912 S. Orange Avenue

Dear Mr. Poma:

Following our meeting here at City Hall on Monday May 10, 2004, I would like to take this opportunity to clarify our position on the existing conditional use approval and plans submitted for the above-mentioned property.

On July 15, 2003, Municipal Planning Board recommended approval of a Conditional Use Permit to allow the former Dante's Italian Restaurant at the above address to be converted to a "Martini Bar/Restaurant" receiving less than 51 percent of its revenues from food and non-alcoholic beverages within 1,000 feet of a church or school. The requirement for conditional use approval was triggered by the proximity of the subject property to the Christ Church and School at 2200 S. Orange Avenue pursuant to Section 58.710 (Distance from Church and Schools, LDC). The Municipal Planning Board approval was based on the floor plan submitted by the applicant that showed a full kitchen, a small wine bar and extensive dining areas, and a sample menu that included sandwiches, brunch and dinner items as well as beer, wine and cocktails. By approving the minutes of the Municipal Planning Board meeting, City Council granted final approval of the Conditional Use Permit on August 11, 2003.

Conditional use approval is required where a proposed use may or may not be appropriate in a particular zoning district depending on site-specific conditions. Where deemed appropriate, the use may be subject to conditions that limit the manner in which the use is conducted, and govern appearance of the structure, signage and other on-site improvements.

The most recent building plans submitted to Permitting suggest a significant change in use to that approved by Municipal Planning Board. The floor plans now include a dance floor, stage and nightclub-type lighting and sound system, and do not show dining areas or significant kitchen facilities.

While the "Martini-Bar/Restaurant" use is considered an Eating and Drinking Establishment for purposes of establishing use, a nightclub or dance hall is considered Indoor Recreation. Except for the fact that the subject property is within 1,000 of a church or school an eating and drinking use is a permitted use in the AC-N/T zoning district. By contrast, Indoor Recreation requires conditional use approval in the AC-N/T zoning district reflecting the potential increased impact of the use, especially in proximity to residential neighborhoods.

Please be aware that the use of the property must be consistent with, and meet the conditions of, the existing conditional use approval of the Municipal Planning Board. If the proposed use is not consistent with the existing conditional use approval, it would be incumbent on the Planning Official to initiate reconsideration of the Conditional Use Permit before the Municipal Planning Board; this would provide the Board with an opportunity to evaluate the appropriateness of the proposed new use at this location and either accept the change of use, accept the change of use with additional conditions, or reject the change of use. As an alternate process, and perhaps preferable to you, would be for you to initiate a new application for Conditional Use Permit for a nightclub (Indoor Recreation) use which would stand alone, separate and apart from your existing approved Conditional Use Permit.

As mentioned at our meeting, your project must also meet Traditional City requirements – specifically, the ground floor building wall facing the street must contain a minimum of 15 percent transparent materials, located between 3 and 7 feet measured from the ground level; furthermore, at least one public entrance must be oriented toward the street. The air conditioning system on the roof must also be screened from view. These are design standards in Activity Center districts per Section 62.619. Building Orientation, LDC.

Your cooperation and participation in addressing these issues is welcome and encouraged. Please continue to work with Tim Johnson as the principal contact person on this project as we move forward to a satisfactory conclusion for all parties concerned.

Sincerely,

Dean Grandin, AICP
Planning Director

cc. Mike Haynes AICP, Chief Planner, City Planning Division
Tanja Gerhartz, AICP, Deputy Director, Economic Development Department
Mike Rhodes, Permitting & Code Enforcement Division Manager
Tom Hite, Building Official
✓Tim Johnson AIA, City Architect

Appendix D: 1912 S. Orange Avenue - Pulse

Source: City of Orlando, Pulse Tragedy Public Records
https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records

Document listing only the known issues at PULSE from 2010, which were known without a building inspection done by code enforcement. This document was not prepared by the Permitting Division, rather it was created and distributed by Lillian Scott, Director of the Mayor's Business Assistance Team Economic Development Department.

1912 S. Orange Avenue - Pulse

PROPERTY INFORMATION:

- Pulse is located at 1912 S. Orange Avenue.
- The property is zoned AC-N/T ---- A nightclub/dance hall is considered INDOOR RECREATION per the LDC. INDOOR RECREATION is a Conditional Use in the AC-N/T zoning district.
- The Orange County Property Appraiser has assigned a building code 3300 for 1912 S Orange Avenue. 3300 is coded as Nightclub/Bars.
- A Conditional Use Permit (CUP) was issued for this property to allow a restaurant with more than 51% of its revenues from sales of alcoholic beverages within 1,000 ft. of a church.

NOTABLE CONDITIONS OF THE CONDITIONAL USE APPROVAL:

- **Outdoor Sales and Consumption** --No outdoor sales or consumption of alcoholic beverages shall be allowed between the hours of 7 am and 5 pm, Monday through Friday.
- **Advertising** --No advertisements of alcoholic beverages shall be visible from the exterior of the building
- **Entertainment** - Cover charges and entry fees may only be collected on an occasional basis for special events such as live entertainment; no entertainment (live or recorded music, etc.) shall be performed outside on this site.
- **Transportation** - The attached survey shows that the parking spaces and driving aisle within the parking lot are modified and do not meet City requirements or previous approvals. The Owner / Applicant shall provide a Site Plan to be included with the Conditional Use application approval and record file that restore the previously approved parking lot design as follows.
  - The parking adjacent to the south side of the building shall be relocated as angled parking adjacent to Ester Street.
  - Either parking lot landscaping or wheel stops shall be shown on the site plan adjacent to Orange Avenue and Ester Street to prohibit vehicle from driving or parking on the public Sidewalk and public Parkway / Right-of-way.
  - The southern end parking space of the parking row adjacent to the east side of the building shall be removed from the approved driving aisle.
  - Handicap parking shall be shown on the site plan per code.
  - An on-site accessible enclosed / gated Dumpster shall be shown.
    - The above listed approvals were based upon previous non-substantial / significant improvements to the building and site. If in the future the site is substantially / significantly enlarged or improved other changes to the parking lot will be required per City Code for properties accessing from a Thoroughfare street (Orange Avenue).
- **Bicycle Calculation # of Spaces** - The applicant shall install one (1) bicycle rack consisting of three (3) bicycle parking spaces. The bicycle rack(s) should be located on the same building site which it serves, convenient to the principal entrance of the building. To the maximum extent feasible, covered bicycle parking should be provided. Bicycle facilities shall also be reflected on all construction plans.
- **Change in Occupancy** - Changes in occupancy in existing structures according to the Fire Code will require total compliance with current standards.[NFPA 101: 4.6.11]
- **Fire Protection** - Based on the information provided, a preliminary review was performed. A detailed review of the fire protection requirements will be performed when plans are submitted for permitting.
- **Sprinkler Docs** - Complete sprinkler drawings, designed and sealed by a registered professional engineer, shall be provided as part of construction documents at the time of permitting.

ISSUES WITH THE APPROVED CONDITIONAL USE PERMIT

- The floor plan approved as part of the Conditional Use Permit (see attached) is not consistent with the most recent floor plan submitted with a fire permit - FIR2009-01036 (attached). The most recent floor plan submitted shows a dance floor, two sound/speaker areas, two bars, two lounge areas and an office.
- Based on the photos taken on 7/14/10 (attached) there are no signs of the required bicycle rack.
- Since opening in 2004, the occupancy of the space appears to have changed. The approved occupancy was 233 and now the occupancy is 300. Although the business owner installed a voice eve fire alarm system, a permit has not been applied for a change of occupancy.

A number of the conditions listed above are operational conditions and compliance with those conditions will require a site visit during business hours.

ISSUES WITH UNPERMITTED EXTERIOR IMPROVEMENTS TO THE SITE

There appear to be items (internal and external) at 1912 S. Orange Avenue that were erected, constructed and/or demolished without the issuance of appropriate permits. The following should be reviewed for code compliance:

- The attached photos (see photo #8 on page 4) show a white privacy fence along the front façade of the building. Per the City's permit records there has never been a fence permit issued on this property.
- Three parking spaces have been removed to accommodate an outdoor seating area (see photo #10, pg. 5).
- The black canopy/awning structure (see photo #10, pg. 5) that runs along the eastern façade (S. Orange Avenue) has not been permitted.
- The deck/concrete patio (see photo #20, pg. 10) that exists along the eastern façade of the building has not been permitted.
- The existing pylon sign was installed (see photo #11, pg. 6) – a permit was issued but the permit was never finaled. A final inspection should be scheduled.
- The two windows along the eastern façade of the building (see photo #22, pg. 12) have been blocked by the unpermitted privacy fence (see photo #10, pg.5). The Land Development Code requires that the ground floor building wall facing the street shall contain a minimum of 15% transparent materials located between 3 and 7 feet measured from the ground level.
- The Business Tax Receipt on file with the City states that 5,000 sq.ft. of the existing building is operating as a restaurant and 100 sq.ft. is a dance hall.

A site visit is recommended to view the interior of the space. There may be more items constructed and/or demolished without permits.

EXISTING PARCEL TAGS

- By Tim Johnson (6/1/2010) - Any new work will need to include all changes made to the interior and exterior of the business- changes have been made to the plumbing, walls have been removed, and the bar has been relocated. Also the deck at the front with plumbing is new and unpermitted work.
- By Jack Richardson (6/1/2010) - This building may require the addition of a fire protection sprinkler system and additional means of egress. Verify scope of work on any new permits to determine whether these additional life safety features are to be included.

PERMIT HISTORY:

CUP2009-00012 – Conditional Use approval to allow a restaurant with more than 51% of its revenues from sales of alcoholic beverages within 1,000 ft. of a church. Approved by MPB on July 15, 2003.

BLD2003-08240 – Interior and Exterior alterations. Issued 1/28/04. Final inspections approved 7/16/04. Certificate of Occupancy (for 233) was issued on 7/16/04.

PLM2009-04837 - Plumbing, Issued 2/11/04. Final inspection approved 6/30/04

BLD2004-02361 – New Roof (addition) - Permit issued 3/30/04. Final inspection approved 6/29/04

ELE2004-01548 – Install electricity for commercial --- Issued 4/9/04. Final inspection 7/15/04.

ENG2004-00194- Asphalt resurfacing parking lot, wheel stops, silt fence, curbing, dumpster, concrete driveway, and sidewalk repair. Issued: 4/14/04. Final inspection: 7/16/04

MEC2004-01104 - Duct work for 3 a/c's 1 exhaust fan & duct. Issued 4/16/04. Final inspection approved 6/29/04

ABL2004-00057 – Application for a 4COP. Application received 5/2004

BLD2004-12460 & BLD2005-14258 & BLD2006-05292 - Three tent permits were issued for Pulse nightclub in 2004 and 2005 for special events.

BLD2004-03493 – Sign - Face Change Only of (1) electric pylon sign - 120 sq. ft. per drawings -- Issued 6/2/04. No inspections – not finaled. Permit expired 2/1/05 by the system.

BLD2004-05156 - install awning/canopy EXPEDITE per Tim Johnson
flat plans. Issued 6/24/04. Final inspection approved 6/28/04

FIR2009-01036 – Voice Evac with fire alarm monitoring system. Issued 10/2/09. Finaled 12/18/09
In association with FIR2009-01036 are:
ELE2009-03616 - finaled
ELE2009-04009 – finaled

BLD2010-00569 - Replacing drywall and rotted wood at the bar and roof leak...non structural. Issued- 2/10/10. Final inspection approved – 7/13/10

NEXT STEPS

- **OPTION I**

The applicant can choose to comply with the approved Conditional Use Permit and convert the space to conform to the approved CUP floor plan (attached).

- **OPTION II**

The applicant can choose to amend the existing CUP and request for CUP approval to allow a nightclub at 1912 S. Orange Avenue.

***Either option requires the applicant to obtain permits for any and all work that has been completed without permits.

Appendix E: Municipal Planning Board, Conditional Use Permit, 1912 S. Orange Avenue

Shows restrictions placed on PULSE, including regarding operating as restaurant with a martini bar (not a nightclub), cover charges, and building plans (layout). Also included with Records Request 19-7738 was a handwritten note that the dance floor and stage was to be removed and replaced with restaurant-style seating. This is also documented in other City of Orlando records.

Agenda Item Summary

MUNICIPAL PLANNING BOARD

JULY 15, 2003

Case Number

CUP2003-00012

Applicant

Rosario Poma

Property Location

The property is located at 1912 South Orange Avenue, at the west corner of S. Orange Avenue and W. Esther Street (±0.35 acres, District 4).

Requested Action

Conditional Use approval to allow a restaurant with more than 51% of its revenues from sales of alcoholic beverages within 1,000 feet of a church.

Recommendation

Approval subject to the conditions contained in this report.

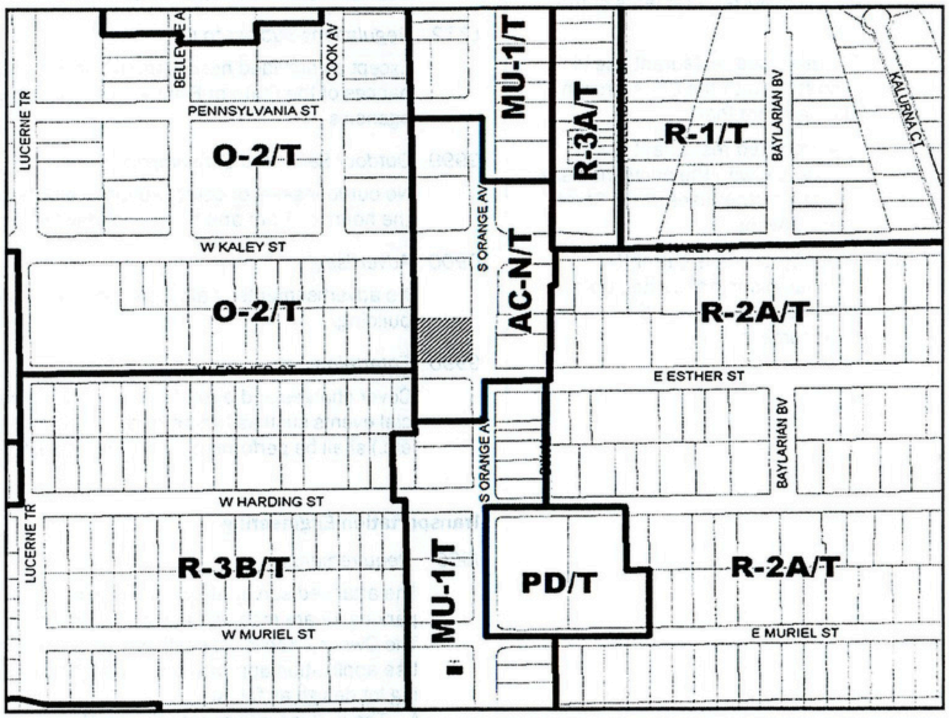
Project Planner

Kyle Koob

CITY OF ORLANDO, FLORIDA
THE CITY BEAUTIFUL

Updated: June 30, 2003

AGENDA ITEM 12 ■ ROSARIO POMA


BELLEVUE A
COOK AV
LUCERNE TR
PENNSYLVANIA ST
O-2/T
W KALEY ST
O-2/T
S ORANGE AV
MU-1/T
R-3A/T
R-1/T
BAYLARIAN BV
KALURNA CT
AC-N/T
R-2A/T
E ESTHER ST
BAYLARIAN BV
S ORANGE A
W HARDING ST
LUCERNE TR
R-3B/T
MU-1/T
PD/T
R-2A/T
W MURIEL ST
E MURIEL ST

Location Map

▨ Subject Site
NORTH

SUMMARY

Project Description

The applicant is proposing to open a new martini bar/restaurant at 1912 S. Orange Avenue, which was previously occupied by Dante's Italian restaurant. The proposed restaurant is anticipated to receive less than 51% of its revenues from food and non-alcoholic beverages. Due to the location of the restaurant within 1,000 feet of a church, Conditional Use approval is required for the sales of alcoholic beverages to exceed 49% of gross revenues.

Background

- 1976: Variance to the 1,000 foot distance separation for Lorenzo's restaurant.
- 1997: GMP amendment to change the future land use from Mixed-Use Corridor-Medium Intensity to Neighborhood Activity Center (MPB Case #96-181).
- 1998: Rezoning from MU-1/T to AC-N/T (MPB Case #98-037).
- 1999: Variance to the 1,000 foot distance separation for alcohol sales under 50% of revenues (BZA Case #99-006) approved for Dante's restaurant.

Outstanding Issues

There are no outstanding issues relevant to the Conditional Use for the proposed restaurant.

Public Notice

On July 2, 2003, public notices were mailed to property owners within 300 feet of the property.

FINDINGS

Subject to the conditions contained herein, the proposal is consistent with the requirements for approval of Conditional Use Permit applications contained in Section 65.286 of the Land Development Code (LDC):

1. The proposed restaurant use is consistent with the purpose and intent of the AC-N/T zoning district and all other requirements of the LDC.
2. The proposed restaurant use is consistent with the City's Growth Management Plan.
3. The proposed restaurant use is compatible with the adjacent uses as well as other uses along South Orange Avenue.
4. The subject site is currently developed and adequate public facilities exist to serve the development.

CONDITIONS OF APPROVAL

Land Development

L562 Regulations-Subject to Code

Approval of the Conditional Use by City Council shall grant the applicant authority to submit an application for site plan/master plan review for a building permit. The application must be submitted within twelve months of approval of City Council or the Conditional Use Permit shall expire. However, upon written application filed 30 days prior to the expiration date, the Planning Official may renew the Conditional Use Permit for a period of up to six months providing good cause is shown.

L772 Regulations-Subject to Code

Except as provided herein, the proposed project is subject to all codes and ordinances of the State of Florida, City of Orlando and all other applicable regulatory agencies.

G999 Outdoor Sales and Consumption

No outdoor sales or consumption of alcoholic beverages shall be allowed between the hours of 7 am and 5 pm, Monday through Friday.

G900 Advertising

No advertisements of alcoholic beverages shall be visible from the exterior of the building.

G990 Entertainment

Cover charges and entry fees may only be collected on an occasional basis for special events such as live entertainment; no entertainment (live or recorded music, etc.) shall be performed outside on this site.

Transportation Engineering

J560 Requirements

The attached survey shows that the parking spaces and driving aisle within the parking lot are modified and do not meet City requirements or previous approvals. The Owner / Applicant shall provide a Site Plan to be included with the Conditional Use application approval and record file that restore the previously approved parking lot design as follows.

A. - The parking adjacent to the south side of the building shall be relocated as angled parking adjacent to Ester Street.
B. - Either parking lot landscaping or wheel stops shall be shown on the site plan adjacent to Orange Avenue and Ester Street to prohibit vehicle from driving or parking on the public Sidewalk and public Parkway / Right-of-way.
C. - The southern end parking space of the parking row adjacent to the east side of the building shall be removed from the approved driving aisle.
D. - Handicap parking shall be shown on the site plan per code.
E. - An on-site accessible enclosed / gated Dumpster shall be shown.

The above listed approvals were based upon previous non-substantial / significant improvements to the building and site. If in the future the site is substantially / significantly enlarged or improved other changes to the parking lot will be required per City Code for properties accessing from a Thoroughfare street (Orange Avenue).

Transportation Planning

T665 Parking—Bicycle Calculation # of Spaces

The applicant shall install one (1) bicycle rack consisting of three (3) bicycle parking spaces. The bicycle rack(s) should be located on the same building site which it serves, convenient to the principal entrance of the building. To the maximum extent feasible , covered bicycle parking should be provided. Bicycle facilities shall also be reflected on all construction plans.

INFORMATION FOR PERMITTING

Land Development

G500 Contact-Kyle Koob

For questions regarding Land Development plan review, please contact Kyle Koob at (407) 246-3391 or kyle.koob@cityoforlando.net.

L999 Signs

All signs on the subject property is subject to the requirements in Chapter 64 of the LDC.

Fire

F817 Contact-Cote

For any questions regarding fire issues, please contact Bernie Cote at 407.246.3152 or at bernard.cote@cityoforlando.net. To obtain plan review status, schedule/cancel an inspection and obtain inspection results, please call PROMPT, our Interactive Voice Response System at 407.246.4444.

F825 Change in Occupancy

Changes in occupancy in existing structures according to the Fire Code will require total compliance with current standards. [NFPA 101: 4.6.11]

F840 Fire Protection

Based on the information provided, a preliminary review was performed. A detailed review of the fire protection requirements will be performed when plans are submitted for permitting.

F890 Sprinkler Docs

Complete sprinkler drawings, designed and sealed by a registered professional engineer, shall be provided as part of construction documents at the time of permitting.

Engineering

K001 Contact—Lattimore

For questions regarding Concurrency Management contact Rhonda Lattimore 407.246.2803 or Rhonda.Lattimore@cityoforlando.net. Information regarding plan review, permit issuance and inspections can be obtained by using PROMPT our interactive voice response system at 407.246.4444.

Transportation Engineering

J500 Contact-Adam Walosik

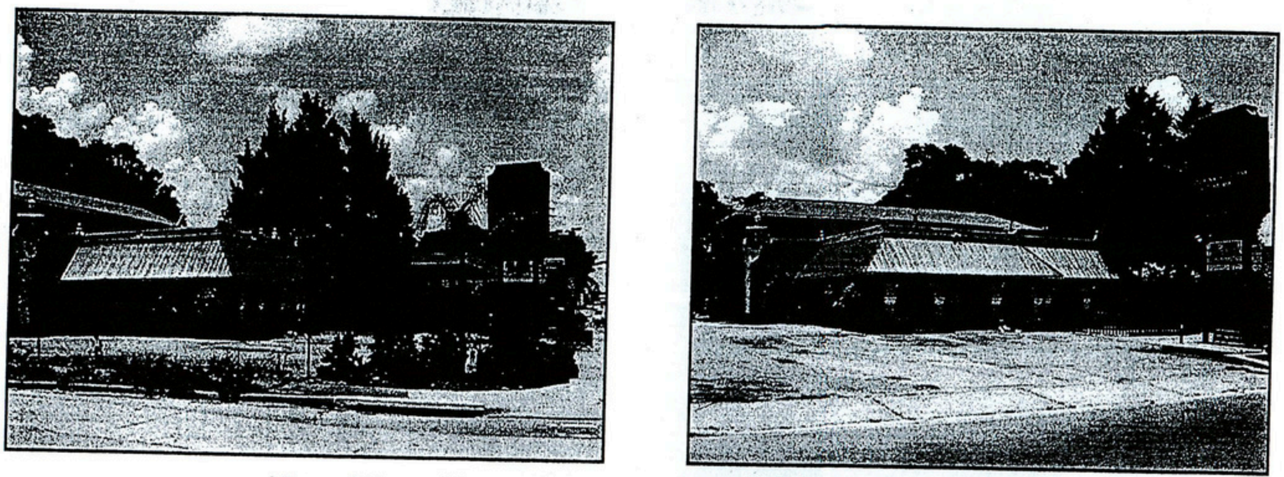
For questions regarding this Transportation Engineering Bureau TRC Initial Zoning Review, please contact Barbara Long at 407.246.3322 or at adam.walosik@cityoforlando.net.

Transportation Planning

T500 Contact-Flynn

For questions regarding Transportation Planning plan review, please contact F. J. Flynn, AICP at (407) 246-2092 or Francis.Flynn@cityoforlando.net.

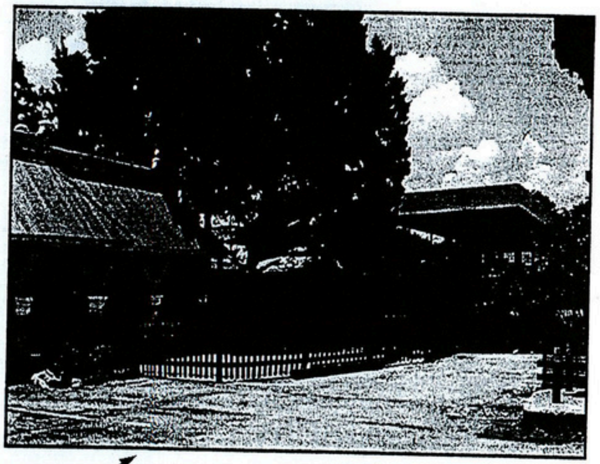
PROJECT CONTEXT



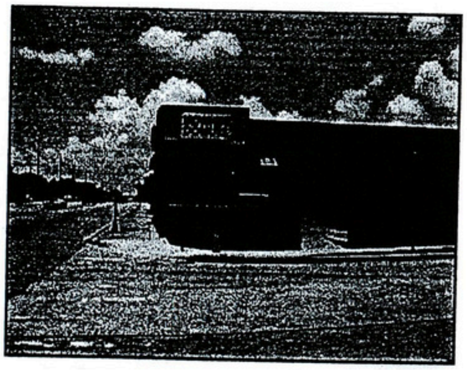
View of the subject property from South Orange Avenue.

Overview

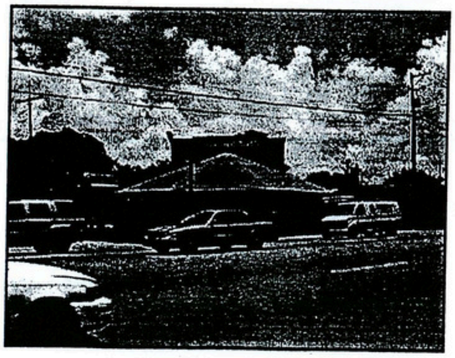
The subject property is located at 1912 S. Orange Avenue south of W. Kaley Street. The subject site fronts on South Orange Avenue and was previously developed as Dante's Italian restaurant. South Orange Avenue is a 5-lane arterial road that is lined with a mixture of commercial and office uses.



The applicant has expressed an interest in expanding the existing patio area.



Neighboring business to the south on the corner of S. Orange Avenue and W. Esther Street.



Neighboring businesses (retail and fast food) on the east side of S. Orange Avenue.

PROJECT OVERVIEW & ANALYSIS

Distance Separation Requirements

Section 58.710 of the LDC requires that vendors that sell alcoholic beverages for on-site consumption, shall locate the business no closer than 1,000 feet from a church or a school. The distance is measured by the shortest most direct route from the church or school property to the entrance of the establishment that is serving alcoholic beverages during normal business hours. Businesses that serve alcohol and that are established prior to a church or school (or both) that locates within 1,000 feet, are exempt from the distance separation requirements. The Christ Church and school is located within 892 ft. of the subject property at 1912 S. Orange Avenue as reported on June 5, 2003 by Code Officer Earl Mike.

Exemptions to the Distance Requirements

The City recognizes that special circumstances may exist where establishments that sell alcohol for on-premise consumption would not necessarily have a negative impact on the area in which it is to be located. The following types of establishments may qualify for an exemption from the distance requirement:

1. The restaurant is licensed by the State of Florida and derives at least 51% of its gross revenues from the sale of food and non-alcoholic beverages OR the establishment obtains a Conditional Use Permit.
2. The establishment does not allow outdoor sale or consumption between the hours of 7AM-5PM, Monday through Friday, if the establishment is within 500 feet of a church or school.
3. Motels that contain more than 100 rooms and conduct the sales for consumption on premises.
4. Package sales of beer and wine for off-premise consumption.

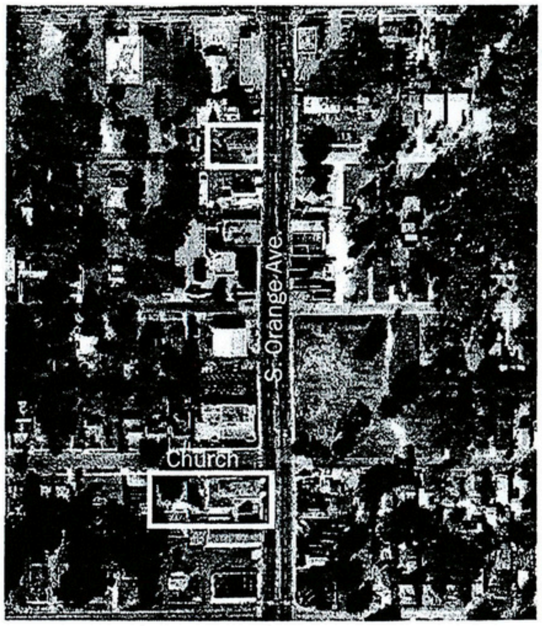
Proposed Restaurant

Based on the applicant's experience in the restaurant industry and the proposed operation of the business, he believes that the revenues obtained from the sale of food and non-alcoholic beverages will be less than the 51% required in the LDC. Therefore, he is requesting Conditional Use approval to allow the sales of alcoholic beverages in excess of 49% of the restaurant's gross revenues.

Effect on Surrounding Properties

The purpose of the Conditional Use Permit process for distance waivers is for staff and the Municipal Planning Board to analyze the possible effects on the church or school that is within 1,000 feet of the subject establishment that is requesting to serve alcoholic beverages. Furthermore, Conditional Use approval can only be requested if the restaurant is located at least 500 feet from the church or school.

As indicated on Page 5, the proposed location of the restaurant is 892 feet from the door of the restaurant to the door of the church. Be-



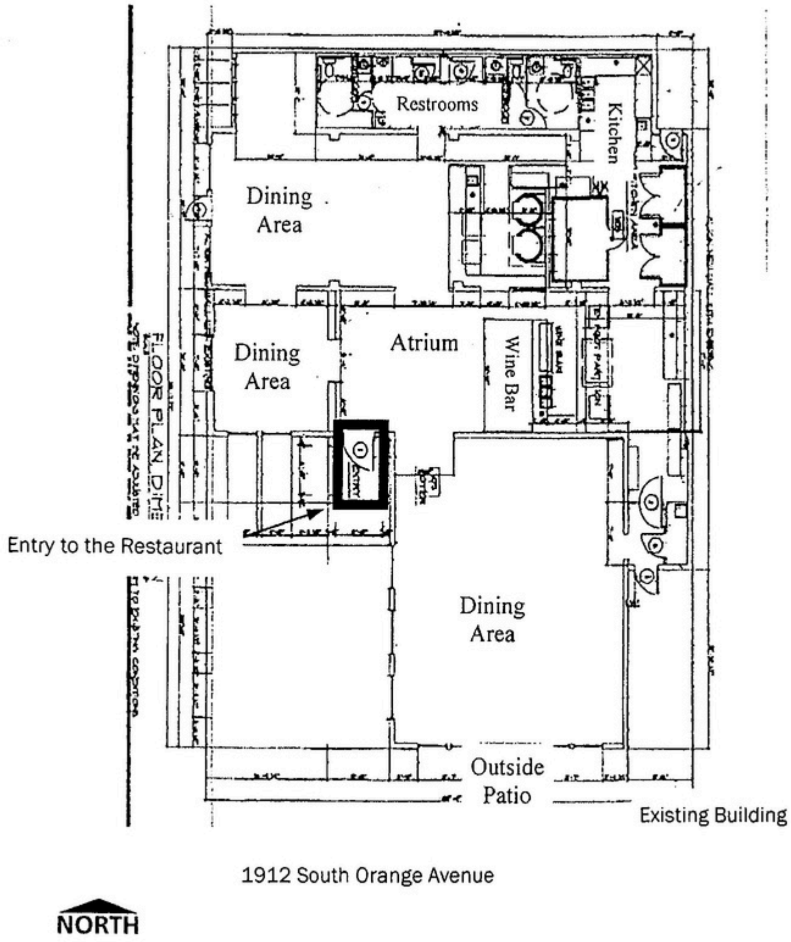
View of Christ Church and school (corner of S. Orange Ave. and W. Muriel St.) that is 892 feet from the subject site

PROJECT OVERVIEW & ANALYSIS

cause the properties are separated by two blocks and several businesses, the impact on the church and school should be minimal.

This portion of S. Orange Avenue is developed with various restaurants that serve beer, wine and alcohol within 6 blocks of the Christ Church (i.e. Impressions Lounge, Roadhouse Grill, Deli Planet, Numero Uno). Additionally, the previous owner of the subject property had received a variance to the distance separation requirement to sell alcohol on the premises (under 50% of total revenues).

Floor Plan


Restrooms
Kitchen
Dining Area
Dining Area
Atrium
Wine Bar
Entry to the Restaurant
Dining Area
Outside Patio
Existing Building
FLOOR PLAN
NORTH

1912 South Orange Avenue

ANALYSIS (CONTINUED)

Kitchen Facility and Menu

According to the proposed floor plan and the menu provided by the applicant, the proposed martini bar/restaurant will use a renovated kitchen and essentially the same seating areas of the previous restaurant. The proposed menu below offers an array of drinks as well as a mixture of appetizers, salads, sandwiches, and brunch items.

Entry Fees and Cover Charges

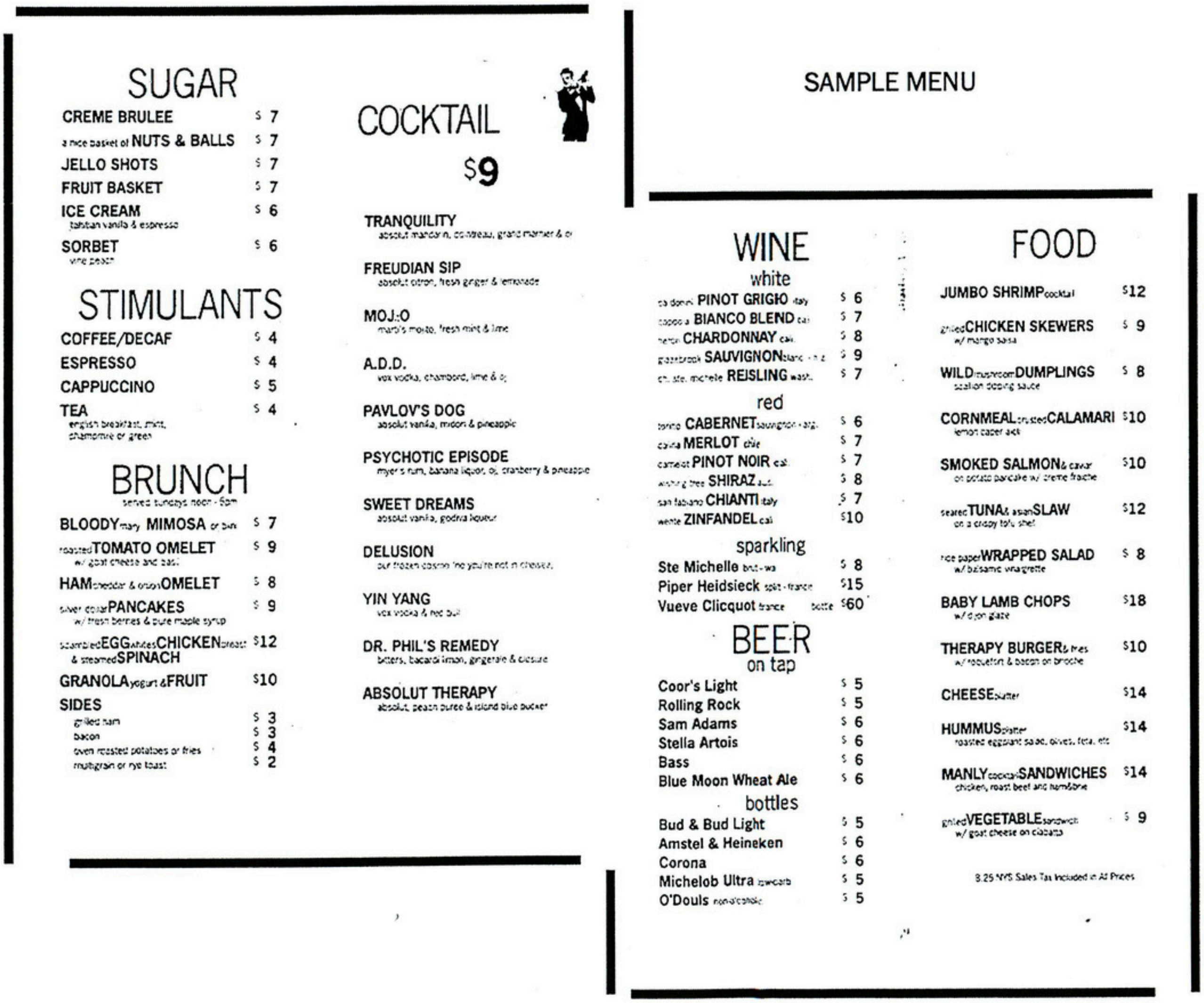
To ensure that the establishment remains a restaurant and does not become a full or part-time entertainment establishment, cover charges and entry fees may only be collected on an occasional basis for special events such as live entertainment.

Signs

The signs for the restaurant shall meet the requirements of Chapter 64. No advertisements for alcoholic beverages shall be visible from the exterior of the building.

Summary

The proposed martini bar/restaurant provides a good opportunity to occupy the existing vacant building and staff is recommending approval subject to the conditions contained in this report. Staff believes that the church/school, which is two city blocks south of the subject site, will experience minimal impacts if any from the proposed martini bar/restaurant.



SAMPLE MENU

SUGAR

CREME BRULEE	$ 7
a nice basket of NUTS & BALLS	$ 7
JELLO SHOTS	$ 7
FRUIT BASKET	$ 7
ICE CREAM tahitian vanilla & espresso	$ 6
SORBET vine peach	$ 6

STIMULANTS

COFFEE/DECAF	$ 4
ESPRESSO	$ 4
CAPPUCCINO	$ 5
TEA english breakfast, mint, chamomile or green	$ 4

BRUNCH

served sundays noon - 6pm

BLOODY mary MIMOSA or bin	$ 7
roasted TOMATO OMELET w/ goat cheese and basil	$ 9
HAM cheddar & onion OMELET	$ 8
silver dollar PANCAKES w/ fresh berries & pure maple syrup	$ 9
scrambled EGG whites CHICKEN breast & steamed SPINACH	$12
GRANOLA yogurt & FRUIT	$10
SIDES	
grilled ham	$ 3
bacon	$ 3
oven roasted potatoes or fries	$ 4
multigrain or rye toast	$ 2

COCKTAIL

$9

TRANQUILITY
absolut mandarin, cointreau, grand marnier & oj

FREUDIAN SIP
absolut citron, fresh ginger & lemonade

MOJ:O
marti's mojito, fresh mint & lime

A.D.D.
vox vodka, chambord, lime & oj

PAVLOV'S DOG
absolut vanilla, midori & pineapple

PSYCHOTIC EPISODE
myer's rum, banana liquor, oj, cranberry & pineapple

SWEET DREAMS
absolut vanilla, godiva liqueur

DELUSION
our frozen cosmo 'no you're not in chelsea'

YIN YANG
vox vodka & red bull

DR. PHIL'S REMEDY
bitters, bacardi limon, gingerale & closure

ABSOLUT THERAPY
absolut, peach puree & island blue pucker

WINE

white

ca donini PINOT GRIGIO italy	$ 6
coppola BIANCO BLEND cal	$ 7
heron CHARDONNAY cal.	$ 8
glazebrook SAUVIGNON blanc - n.z	$ 9
ch. ste. michelle REISLING wash.	$ 7

red

torino CABERNET sauvignon - arg.	$ 6
calina MERLOT chile	$ 7
camelot PINOT NOIR cal.	$ 7
wishing tree SHIRAZ aus.	$ 8
san fabiano CHIANTI italy	$ 7
wente ZINFANDEL cal	$10

sparkling

Ste Michelle brut - wa	$ 8
Piper Heidsieck split - france	$15
Vueve Clicquot france bottle	$60

BEER

on tap

Coor's Light	$ 5
Rolling Rock	$ 5
Sam Adams	$ 6
Stella Artois	$ 6
Bass	$ 6
Blue Moon Wheat Ale	$ 6

bottles

Bud & Bud Light	$ 5
Amstel & Heineken	$ 6
Corona	$ 6
Michelob Ultra lowcarb	$ 5
O'Douls nonalcoholic	$ 5

FOOD

JUMBO SHRIMP cocktail	$12
grilled CHICKEN SKEWERS w/ mango salsa	$ 9
WILD mushroom DUMPLINGS scallion dipping sauce	$ 8
CORNMEAL crusted CALAMARI lemon caper aioli	$10
SMOKED SALMON & caviar on potato pancake w/ creme fraiche	$10
seared TUNA & asian SLAW on a crispy tofu shell	$12
rice paper WRAPPED SALAD w/ balsamic vinaigrette	$ 8
BABY LAMB CHOPS w/ dijon glaze	$18
THERAPY BURGER & fries w/ roquefort & bacon on brioche	$10
CHEESE platter	$14
HUMMUS platter roasted eggplant salad, olives, feta, etc	$14
MANLY cocktail SANDWICHES chicken, roast beef and ham&brie	$14
grilled VEGETABLE sandwich w/ goat cheese on ciabatta	$ 9

8.25 NYS Sales Tax Included in All Prices

5-10-04

Pulse Orlando
1912 S. Orange Ave.

- Yus Benitez + Rosario Poma

- Facade removal + replacement

Letter by 12:00 tomorrow

→ Dance floor + Stage removed
  - Replace w/ bar setting + table seating

→ Facade treatment consistent w/ Traditional City Standard

Appendix F: OPD Supplemental Report 8.0.11

Case Number: 2016-00242039
Date: 06/13/2016
File Name: “Supplemental-Reports-1-52-For-Website.pdf”

ORLANDO POLICE DEPARTMENT 8.0.11

Date 06/13/2016
Time 5:53:23

Case Number : 2016-00242039
ORI # : FL0480400 OPD 8.11
Description : Shooting at/within/into Structure/Vehicle

Case Details :

Location . . : 1912 S ORANGE AV
Reported . . : 06/12/2016 2:02
Occured From : 06/12/2016 2:02
Common/Business . : PULSE NIGHTCLUB
Occured Thru : 06/12/2016 2:02
Grid/Subgrid . . : 1609 / 1609D
District: I4

Reporting Officer : 15449 - JEWELL,MICHELLE,R
Scene Processed by: -
Assigned Bureau . : Homicide
Significant Event : Yes
Spec Circumstance :
Shots Fired . . . : No
Approving Officer : 15449 - JEWELL,MICHELLE,R

Case Status . . . : FW INV REV 06/13/2016
Disposition . . . :

No. of Offenses . : 1
No. of Offenders :
No. of Victims . :

Offenses :

NO.	Group ORI	Statute	Crime Code	Stat Type	Atmpt/Commit	Counts
1	State	784.045	0130A	Criminal	Committed	001

AGGRAVATED BATTERY
Offense Date : 06/12/2016

Status . . . . :
Status Date . :
Occupancy Code : N/A
Location Type : Bar/Nightc
Location Type 2:
Arson Type . . :
Crim Activity 1: N/A
Crim Activity 2:
Crim Activity 3:
Gang Releated : No
Domestic . . . : No
Hate Crime . . : No
Property Damage:
Aband Structure: NO
Sub-Code . . . :
Entry Method . : NA
Entry Point . :
Premise Entered:
Exit Method . : NA
Exit Point . . :
Tool Used . . :
Off Alch Relatd: No
Off Drug Relatd: No
Off Comp Relatd:
Weapon Code . : Handgun
Weapon Feature :
Adults Present :

Subjects : (Current Information)

Subject Type	No.	Subject Name	Primary	Phone Number	D.O.B.	Age
Informational	1	PULSE CLUB 1912 S ORANGE AV ORLANDO, FL 32806	NO	Work 407-649-3888		

Related Offenses :

No.	Group/ORI	Statute	Description
1	State	784.045	AGGRAVATED BATTERY

Arrests :

Suspect Vehicles :

Property :

Case Number : 2016-00242039 **ORI #** : FL0480400 OPD 8.11
Description : Shooting at/within/into Structure/Vehicle

Property :

==

Case Narrative :

==

CASE NARRATIVE 6/13/2016 5:51 AM

On 06/12/2016, at approximately 0202 hours, units responded to 1912 South Orange Avenue in reference to a shooting. The investigation was turned over to the Federal Bureau of Investigations.

****

I Swear or affirm the above statements are correct and true. (Signature)____________________________	Officer Name/ID# (Print) ____________________________

Sworn to and subscribed before me, the undersigned Authority,

This______day of ________,20____. ______________________________

Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039

Supplement Number: 1
Date Of Supplement: 06/13/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:

Narrative Name: NARRATIVE SUPPLEMENT 6/13/2016 5:53 AM

On Sunday 06/12/2016 at approximately 0202 hours I, Officer C. Reynolds (31298) responded to the Pulse Nightclub, located at 1912 S. Orange Avenue in reference to an active shooter. Upon my arrival I could hear shots being fired and observed multiple people running across the S. Orange Avenue. I then immediately responded to the location of off duty unit Officer A. Gruler (10561).

I parked my marked patrol vehicle on West Esther Street on the south side of the business. Upon doing so and exiting the vehicle, I could see multiple people running out of the south door screaming. I could also hear multiple gunshots coming from inside the building. I also observed concrete and sparks flying from bullets coming through the south door. I then took a position of cover and concealment behind a vehicle and covered the door because at the time it appeared the shooter may exit this door.

Shortly after taking hard cover, I heard gunshots moving within the business. It appeared the shooter was possible moving to the north end of the business. Officer Gruler and I then moved cover to cover, paralleling the movement of the shooter. Upon reaching the north end of the business, I observed an open door. I then took another position of hard cover and covered this door because it sounded as if the shooter was moving towards this doorway. While covering the open door, large numbers of law enforcement backup arrived.

Shortly after I was alerted on the channel that the shooter had possibly barricaded himself in the bathroom of the business. At this time I assisted with searching the rest of the area for possible other shooters, covering the business and helped with the extraction of victims and witnesses.

****

I Swear or affirm the above statements are correct and true. (Signature)________________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of _________,20____. ________________________________

Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 1

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Supplement Number: 2

Date Of Supplement: 06/13/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:

Narrative Name: NARRATIVE SUPPLEMENT 6/13/2016 5:54 AM

On 6/12/16, I, Sgt. Toruno (10956) responded to 1912 S. Orange Avenue (Pulse Nightclub) reference an officer needing immediate assistance with an active shooter.

Upon arrival I did not hear any more shots fired and met up with two OPD officers (NOI) at the intersection of Kaley and Orange Ave. Soon after, officers inside advised victim`s would be coming out of Pulse. At that time I directed officers to send the victims and wounded to the rear of Einstein Bagels located on the southeast corner of Kaley and Orange Ave. All victims that were evacuated were placed behind Einstein Bagels and separated between injured and non injured. I asked Ofc. Alison Clarke (14159) to request OFD and paramedics set up triage on Kaley Avenue just east of Orange Avenue.

Upon the arrival of paramedics and the triage area being set up, I asked Ofc. Amanda Dowson (19721) to gather up the non injured victims and with the assistance of other officers, move the non injured victims behind a second wall separating Einstein Bagels from a parking lot to the east.

Medical personnel tended to the injured [redacted]

During the treatment of the wounded, medical personnel pronounced two individuals deceased and they were separated from the wounded and placed closer to Einstein Bagels wall and guarded by an officer. CSI`s Baumgaertner (19264) and D. Thomas (4853) arrived and were made aware of the deceased.

Once the non injured were separated, Det. April Brunner (8023) arrived and began interviewing the non injured witnesses and statements were handed out.

After some time further intelligence was gathered and the non injured needed to be moved further away from the scene. I then directed the movement of the non injured from the parking lot they were in to the north side of Kaley and onto Hollenbeck.

Ofc. Dowson and Ofc. Denise Perez (11104) along with other officers maintained security with the non injured while I returned to Einstein

Bagels. Once at Einstein Bagels I gathered a few officers and we prepared to begin the removal of further victims once the scene was secured by SWAT.

After SWAT`s encounter with the suspect, I along with the officers behind Einstein Bagels rushed over to the south side of the Dunkin Doughnuts with backboards and stretchers to assist with the evacuation of the remaining victims.

Once the victims were evacuated and the scene was secured I left the scene.

****

I Swear or affirm the above statements are correct and true. (Signature)________________________	Officer Name/ID# (Print)
Sworn to and subscribed before me, the undersigned Authority,	
This______Day of ________,20____. ______________________________	
Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD	

END OF SUPPLEMENT NUMBER 2

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 | Page: 1
Supplement Number: 3 | Date Of Supplement: 06/13/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:

Narrative Name: NARRATIVE SUPPLEMENT 6/13/2016 10:58 AM

On June 12, 2016, at approximately 0202 hours, Sgt. [redacted] MPO T. Stanley (10962), and I, Cpl. M. Perales (18938) responded with the Orlando Police SWAT team to 1912 S Orange Ave (Pulse night club), reference an active shooter/mass casualty incident.

In the course of extracting injured victim`s from the building, Sgt. [redacted] MPO Stanley and I became contaminated with blood (and blood/water mixtures) from multiple victims. We were all wearing SWAT team BDU uniforms and SWAT entry vests. The contamination was to the outer clothing being worn at the time. The source of contamination was from multiple unknown victims. The exposed items were photographed and collected by Orlando Police Department CST`s.

Lt. C. Gowen (12067) was notified. Lt. Gowen made initial notification to the Significant Exposure Hotline. We were contacted by the Hotline and will complete individual follow ups as necessary.

****

I Swear or affirm the above statements are correct and true. (Signature)____________________	Officer Name/ID# (Print)
Sworn to and subscribed before me, the undersigned Authority,	
This_____Day of _______,20____. ____________________	
Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD	

END OF SUPPLEMENT NUMBER 3

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 4 Date Of Supplement: 06/14/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/14/2016 5:49 AM

On June 12, 2016, at 0202 hours, I Officer R Sayer (30498) responded to 1912 S Orange Ave (Pulse Nightclub) in reference to an officer requiring immediate backup for shots fired.

Upon arrival I noticed many people fleeing from the area. I ran to the front doors of Pulse Nightclub where officers and deputies were assisting people from the inside of the club. I then began assisting many blood soaked victims from the scene. During this time I was in contact with many different fluids, including blood, which covered my pants, arms, and boots. The source of the blood was from numerous unknown victims. The Exposure Hotline contacted me and I will be following up as requested.

Narrative Name: Distribution

Risk Management

****

I Swear or affirm the above statements are correct and true. (Signature)____________________	Officer Name/ID# (Print)
Sworn to and subscribed before me, the undersigned Authority,	
This_____Day of ________,20____. ____________________	
Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD	

END OF SUPPLEMENT NUMBER 4

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039

Supplement Number: 5 Date Of Supplement: 06/14/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

PRINCIPALS LIST

PULSE CLUB Phone: ( )
1912 S ORANGE AV
ORLANDO FL 32806

Contact:

What Changed	Previous Report	Change to Information
The following Related Offenses were added to this Subject: 2		

The following subject was added to the case:

Victim : NAPOLITANO,MICHAEL,J,
The Subject Added is an Officer.

OFFICER ASSAULTED/KILLED INFORMATION:

Incident Type . . . . : Of Ast-MiI	Officer Activity . : Other
Armor Prevent Injury. : No	Assignment Type. . : Oth-Assist
Ofcr Aware of Weapon. : No	Extent Ofndr Injury: Unknown
Ofcr Discharge Weapon : Yes	Wearing Body Armor : Yes
Ofndr Use Ofcr Weapon : No	Distance From Ofcr :
Ofndr Discharge Weapon: Yes	

OFFENSES

The following offense was added to this case.

Offense Number: 2
Crime Code: 0130A AGGRAVATED ASSAULT

Statute . : 784.07	Attempt/Commit : Committed
Location Type . : Bar/Nightc	Criminal Activity . : N/A
Occupancy Code : N/A	No. Premises Entered:
Type of Weapon : Firearm	Weapon Feature . . :
# Adults Present:	# Juveniles Present :
Entry Method . : NA	Entry Point . . . . :
Exit Method . . : NA	Exit Point . . . . :
Alcohol Related : No	Drug Related . . . : No

Domestic Crime	No	Hate Crime	No
Computer Theft		Just. Homicide Code	
Hom/Ag Aslt Circmst		Just. Circumstances	
Offense Code			
Counterfeit/Forgery		Count./Forg. Amount	
Statute ORI/Group .	S	Homicide Situation.	
Criminal Activity #2		Criminal Activity #3	
Weapon Code #2 . . .		Weapon Feature #2 .	
Weapon Code #3 . . .		Weapon Feature #3 .	
Counterfeit/Larceny		# of Counts	1
NCIC Code		Scene/Location Type2	
Offense Date		Victim Drug Related	
Victim Alchl Related		Victim Comp Related	
Abandoned Structure	NO	Property Damage . .	
Tool Used		Counterfeit Type .	
UCR Return A		UCR Stolen Property	
Gang Related		Additional Subcode	

EVIDENCE COLLECTED INFORMATION

The following Evidence Information was added to this case.
Statement (Witness,Victim, Other)

Narrative Name: NARRATIVE SUPPLEMENT 6/14/2016 5:52 AM

On June 12, 2016 at approximately 0202 hours, I, Officer M. Napolitano (18825), responded to an active shooter at Pulse Nightclub (1912 S. Orange Ave).

During this incident I made contact with the shooter along with other members. I was shot in the helmet and received a laceration to the forehead. I was transported to Orlando Regional Medical Center for immediate treatment were I received four stitches.

My immediate supervisor was notified and I notified the initial injury hotline.

****

I Swear or affirm the above statements are correct and true. (Signature)________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ______________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 5

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 6
Date Of Supplement: 06/15/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

INVESTIGATIVE SUPPLEMENT

The following changes, additions, or deletions were made.

What Changed	**Previous Report**	**Change to Information**
Number of Offenses . . :	1	2
Number of Victims. . :		1

Narrative Name: NARRATIVE SUPPLEMENT 6/15/2016 7:47 AM

On 6/12/2016 I, Officer Hutto (18404), responded to 1912 South Orange Avenue (Club Pulse) in response to an active shooter. I arrived shortly after 0224 hours.

I entered the venue from the east patio. I observed a male lying to my left on the patio as I entered the main building. I observed multiple people lying on the floor around the bar. I helped moved the wounded from the scene to the parking lot of 1901 South Orange Avenue (Einstein`s Bros Bagel). I then assisted the Orlando Fire Department triage the victims and secure them on backboards.

I then responded to ORMC and coordinated officers and deputies on scene with a Mr. Lang (NOI) in the hospital command center. [redacted] Sergeant Pina (11767) responded to ORMC and I continued to assist with the allocation of officers and deputies. I was relieved by Sergeant Gelespie (13679).

A requisition to replace my bike shoes was obtained due to possible biohazard on 6/13/16. The old shoes were placed into a biohazard bag and placed into the biohazard bin behind OPH.

****

I Swear or affirm the above statements are correct and true. (Signature)____________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20_____. __________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 6

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Supplement Number: 7

Date Of Supplement: 06/17/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/17/2016 5:02 AM

This supplement serves to document the following Orlando Police Department (OPD) members, as part of the OPD Hazardous Materials Team, responded to the scene and removed ALL of the fatalities from the interior of the Pulse Night Club building:

Lieutenant Frank Nunez #8755
Detective Michael Moreschi #3369
Master Police Officer Juan Gonzalez #8735
Corporal Frank Sikos #11762
Officer Rudolph Wilson #12287
Officer Gerry Realin #14597
Officer Mark Levy #16421
Officer Matthew Rogers #30421

****

I Swear or affirm the above statements are correct and true. (Signature)________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ________________________
Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 7

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/17/2016 8:13 AM

On 6/12/2016, I, Ofc A. Clarke (14159) responded to 1912 S Orange Avenue (Pulse Nightclub) in emergency mode in reference to an active shooter. As I approached the scene, I stopped my marked patrol vehicle on the east side of S Orange Avenue adjacent the 7-11, 1823 S Orange Avenue, which is just north of the club.

As I exited my patrol vehicle I could hear gun fire still coming from inside the club. I began to run southbound towards the front of the club at which time I saw a large group of victims fleeing from the front entrance of Pulse, eastbound across S Orange Avenue. I ran towards the crowd and began to direct them to cover behind Einsteins Brother Bagels, 1901 S Orange Avenue, which is on the southeast corner of S Orange Avenue and E Kaley Street.

Sgt D. Toruno (10956), Ofc A. Dowson (19721), and I, along with other assisting officers began directing the hysterical victims to remain behind the cover of the building while assessing any possible injuries within the group. I moved to the southern side of the building and observed officers carrying injured victims towards S Orange Avenue in an attempt to load them into police vehicles and transport to the Orlando Regional Medical Center (ORMC).

When we realized there were no more vehicles to use for transport, we began to assist the officers with carrying the seriously injured victims behind the building. As more officers carried critical victims across S Orange Avenue, we established a triage area behind the building along the northside of the parking lot adjacent E Kaley Avenue. Sgt Toruno directed me to request ambulances respond and transport from our triage area. I requested OFD respond to transport critical victims from the triage area. I was initially told OFD would not be responding to our triage.

As we continued to assess the victim`s injuries I realized there were two deceased victims in the triage area which was in close proximity to the large group of uninjured victims. The group began to walk towards the triage area in an attempt to identify the injured.

I approached Sgt Toruno and suggested we move the group in order maintain control. We directed the uninjured victims behind a brick wall on the east side of the parking lot and away from the triage area. Ofc D. Perez (11104), Ofc Dowson, Ofc J. Neigel (20061) and Ofc

C. Parente (30171) provided security for the area and maintained control of the group.

I returned to the triage area as more injured victims were being brought to the area at which time Ofc McCreless (16287) advised the [redacted]

At that time I began re-assessing the victims as OFD had responded to our triage to transport the critical and seriously injured. I assisted loading the less critical victims into the back of Ofc J. Hyland`s unmarked pickup truck for immediate transport to ORMC.

Once all the less critical victims were transported, and OFD was loading the rest of the victims for transport, I assisted Sgt N. Pina (11767) and Sgt K. Beers (13415) with moving patrol vehicles which were blocking route access for ambulances staged on E Kaley Street west of the intersection.

I then returned to the triage area at which time I saw Det. A Brunner (8023) gathering information from the group of uninjured subjects. [redacted]

I returned to the triage area at which time one of the OFD ladder trucks had been positioned adjacent the rear brick wall in the parking lot. We laid out rows of backboards and prepared the triage area for the next group of injured victims. CSI C. Baumgaertner (19264) and CSI D. Thomas (4853) arrived and helped to establish a protected area for the deceased victims utilizing protective screens.

[redacted] Sgt Toruno directed the group of uninjured victims to quickly line up and we escorted them to a secondary location further east on Hollenbeck Drive, midblock, behind an OFD ladder truck.

We returned to the triage area and had directed officers with long guns to provide security as the rest of us were going to carry the next grouping of victims to the triage area for OFD to assess and transport. We staged behind Einsteins at which time information was relayed over the channel that barricaded subject had contacted the communications center and there was a possibility he had explosives inside the club.

Once the information was relayed to OFD personnel, they retrieved all their equipment and advised they were moving the triage area to the north parking lot of Subway, 1742 S Orange Avenue. OFD left the triage area and did not return.

CSI Baumgaertner remained in the triage area and advised she would stay with the deceased victims so all the sworn officers could focus on rescue and transport of the victims once SWAT entered Pulse.

Sgt Toruno and Sgt Beers were able to obtain mass casualty carts from OCSO Emergency Response unit. We set up the carts and a few backboards in our triage area and re-accessed our plan for rescue and transport. Ofc J. Hyland retrieved his pickup truck in order to help assist with transport of victims. Several other police trucks and trailers from various agencies were also prepped to be used for immediate transport to ORMC.

Once OPD SWAT announced they had breached the west wall of Pulse; myself, Sgt Toruno, Sgt Beers, Ofc Perez, and other officers rushed westbound across S Orange Avenue with the mass casulty carts and backboards towards the rear of Dunkin Donuts, 2000 S Orange Avenue. I assisted with loading critically injured victims on carts and into various police vehicles for transport. I also assisted with searching the subjects exiting through the breach in the wall and directing them to either transport to ORMC or a secured area south of the rear parking lot of Dunkin Donuts.

Once all the victims were evacuated from the building and the immediate scene was secured, I left the area and staged near the OPD command post until I was able to retrieve my patrol vehicle from the scene and end my shift.

****

I Swear or affirm the above statements are correct and true. (Signature)______________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ______________________________

Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 8

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 9 Date Of Supplement: 06/19/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/19/2016 11:22 AM

On Sunday, 06/12/2016 at approximately 0202 hours, I, Sergeant Ira Morris (10765) responded to the emergency assistance call initiated by Officer A. Gruler (12897) at Pulse Nightclub (1912 S. Orange Avenue) regarding an active shooter incident. Upon my arrival at the intersection of S. Orange Avenue and Kaley Street, I heard multiple gun shots being fired in the area of the nightclub. As I exited my patrol vehicle with my assigned rifle and entry shield, I observed many terrified and injured people running from the area of the nightclub, towards my direction. I, along with various officers, began directing the people towards Orlando Fire Department station #5, which was north of our location, as we moved towards the gunshots.

I met various officers at the east porch entrance to initiate an entry team. As we entered the club, I observed multiple fatalities near the north side bar, the VIP sitting area, the dance floor and stage. A different team of officers entered from the south side of the club. At this time, there were no gunshots heard from within the club. We conducted a building search of the facility to extract any injured victims, witnesses and locate the suspect(s). I vacated the interior of the business upon being relieved by other officers.

As a result of my involvement with the incident, I completed a requisition to replace my shoes, uniform pants and shirt due to biohazard contamination.

Narrative Name: Property Receipt

Narrative Name: Property Receipt

Narrative Name: Property Receipt

Narrative Name: Property Receipt

****

I Swear or affirm the above statements are correct and true.
(Signature)________________________________

Officer Name/ID# (Print) ________________________________

Sworn to and subscribed before me, the undersigned Authority,

This______Day of _________,20____. ________________________________

Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 9

Case Number . . : 2016-242039
Supplement Number: 10

Date Of Supplement: 06/21/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/21/2016 6:44 AM

On 6/12/2016 at approximately 0200 hours I, Sergeant Capece (12608) was working extra duty at Wall Street Plaza. Shortly after 0200 an officer needs assistance call was broadcast requesting help at the Pulse Nightclub for an active shooter. I responded to Pulse and took a position on the north side of the building as there were active shooter teams already inside the club attempting to locate the suspect or suspects who had at that point stopped shooting. It was relayed on the radio by one of the active shooter teams that they believed they had a shooter barricaded in a bathroom with several people, now believed to be hostages.

I repositioned myself to the eastside of the building where two entrances faced and attempted to make entry to Pulse to extract any live victims. As we attempted to make entry into the south east door several shots were again fired and an unconscience victim was brought to the door by an unknown civilian. We carried the victim from the entrance to the Einstein`s Bagel back parking lot which would provide some cover for victims. The individual appeared to be in very serious condition. I loaded the individual into the back of Officer D Perez`s (11104) OPD vehicle and he was transported to ORMC as there were no OFD or Ambulance personal on hand to assist. During the next several minutes several gunshot victims that were alive but could not walk were located and carried to the area behind Einstein`s. Several victims were transported in various OPD vehicles to ORMC until OFD personal responded to the triage area.

Lt. Brennan asked me to direct two units to ORMC to assist with the flood of victims, witnesses and family members in the emergency room. I requested that Ofc T Cruz (18937) along with Ofc Railey (31617) and Ofc T Funke (13929) respond to the hospital which they did.

Headquarters advised that the suspect that was inside of the bathroom had called 911 and was on the phone making statements. As a Crisis Negotiations Team member, I responded to the OPD Comm Center in an attempt to speak with the subject. Upon my arrival I learned that the subject was on the phone with Sgt A. Brennan who is also a Negotiator. I assumed my role of CNT Team Leader during the remainder of the incident at the Comm Center until SWAT had contact with the suspect.

****

I Swear or affirm the above statements are correct and true. (Signature)____________________________	Officer Name/ID# (Print)
Sworn to and subscribed before me, the undersigned Authority, This______Day of ________,20____. ______________________________ Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD	

END OF SUPPLEMENT NUMBER 10

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 11 Date Of Supplement: 06/21/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

PRINCIPALS LIST

The following subject was added to the case:
Suspect : UNK,SUSPECT,, Home Phone: ( )

Work Phone: ( )

Race : Sex: Male D.O.B: Age:
Hgt : " Wgt: Hair: Eyes . . :
Build. : Complexion: Ethnicity:
Driv Lic #: St: Soc Sec #:
Occupation: School: Citizenship:

Residence Type. : N/A Residence Status : N/A
Statement Type. : None Condition. . . . :
Extent of Injury: N/A Medical Treatment:
Injury Type . . : NA Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1 2

The following subject was added to the case:
Victim : [redacted] [redacted] [redacted]
[redacted]
[redacted] [redacted] [redacted]

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Osc/Semino Residence Status : Full Year
Statement Type. : Verbal Condition. . . . :
Extent of Injury: Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . : Gunshot
Hospital/Clinic : Fla South Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : Tape Stmt Condition. . . . :
Extent of Injury: Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . : Gunshot
Hospital/Clinic : Fla South Transported By . :
Related Offenses: 1

EVIDENCE COLLECTED INFORMATION

The following Evidence Information was added to this case.

Taped Statement

INVESTIGATIVE SUPPLEMENT

The following changes, additions, or deletions were made.

What Changed	Previous Report	Change to Information
Number of Victims. . :	1	3

Narrative Name: INVESTIGATIVE NARRATIV 6/21/2016 6:46 AM

On 06/12/2016 I, Detective Zedick (11695), was requested to assist with the follow up investigation in reference to this incident.

I responded to Florida Hospital South and was tasked with interviewing two gun shot victims. [redacted]

These statements were appropriately archived and were provided to the Federal Bureau of Investigation.

****

I Swear or affirm the above statements are correct and true. (Signature)______________________________	Officer Name/ID# (Print)
Sworn to and subscribed before me, the undersigned Authority, This_____Day of ________,20____. ________________________________ Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD	

END OF SUPPLEMENT NUMBER 11

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 12 Date Of Supplement: 06/21/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

PRINCIPALS LIST

The following subject was added to the case:

Witness : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : N/A Residence Status : N/A
Statement Type. : Tape Stmt Condition. . . . :
Extent of Injury: N/A Medical Treatment:
Injury Type . . : NA Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1 2

The following subject was added to the case:

Witness : [redacted], [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : N/A Residence Status : N/A
Statement Type. : Tape Stmt Condition. . . . :
Extent of Injury: N/A Medical Treatment:
Injury Type . . : NA Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1 2

The following subject was added to the case:
Witness : [redacted] [redacted] ( )

[redacted] ( )

[redacted] : [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : N/A
Statement Type. : Tape Stmt
Extent of Injury: N/A
Injury Type . . : NA
Hospital/Clinic :
Related Offenses: 1 2

Residence Status : N/A
Condition. . . . :
Medical Treatment:
Injury Type. . . :
Transported By . :

INVESTIGATIVE SUPPLEMENT

The following changes, additions, or deletions were made.

What Changed	**Previous Report**	**Change to Information**
Number of Offenders. :		1

Narrative Name: INVESTIGATIVE NARRATI 6/21/2016 12:21 PM

On 6/10/16, at 0500 hours I, Detective Quinones (12279), responded to Orlando Police Headquarters regarding a CNT Call out. I was ordered to report to 1020 S. Orange Ave for briefing. Upon arrival, I was ordered by Sgt. Capece (12608) to report to OPH to assist with interviews of witnesses who were present during the shooting a club Pulse.

[redacted]

This is an ongoing investigation.

Narrative Name: Property Receipt

Narrative Name: Property Receipt

Narrative Name: Property Receipt

Narrative Name: Property Receipt

****

I Swear or affirm the above statements are correct and true. (Signature)____________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ______________________________

Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 12

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 13 Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

PRINCIPALS LIST

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : " [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : USA Residence Status : Non Res
Statement Type. : Tape Stmt Condition. . . . :
Extent of Injury: Serious Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : " [redacted] [redacted] [redacted] . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : USA Residence Status : Non Res
Statement Type. : None Condition. . . . :
Extent of Injury: Unknown Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )

[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : USA
Residence Status : Non Res
Statement Type. : None
Condition. . . . :
Extent of Injury: Serious
Medical Treatment:
Injury Type . . : Gunshot
Injury Type. . . :
Hospital/Clinic :
Transported By . :
Related Offenses: 1

Witness : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] . . . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

INVESTIGATIVE SUPPLEMENT

The following changes, additions, or deletions were made.

What Changed	**Previous Report**	**Change to Information**
Number of Victims. . :	3	6

Narrative Name: INVESTIGATIVE NARRATIV 6/27/2016 6:17 AM

On June 12, 2016, at approximately 0800 hours, I, Detective Amir Paymayesh (15173), responded to Florida Hospital South, room #10818. [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

****

I Swear or affirm the above statements are correct and true. (Signature)________________________	Officer Name/ID# (Print) ________________________

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ______________________________

Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 13

Orlando Police Department 8.11
Supplement Report

Case Number . . . : 2016-242039
Supplement Number: 14

Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: INVESTIGATIVE NARRATIV 6/27/2016 6:23 AM

On 6/12/2016 at approximately 0202 hours, I, Lieutenant Dan Brady (10322) responded to 1912 South Orange Avenue (Club Pulse) in reference to an Emergency Back-up request by Extra Duty Officer Adam Gruler (10561).

I arrived on scene at approximately 0210 hours; an active shooter team was already deployed inside Club Pulse. Numerous officers/deputies were escorting wounded victims to safety behind the Einstein Bagels store. Other Officers and I entered the club site by the Orange Avenue Patio entrance and assisted two groups of victims/witnesses to Einstein Bagels. During this time I heard an active shooter police team was inside Pulse and they believed the shooter was in the rear of Pulse. I heard gunfire coming from the back of the club.

The Watch Commanders on scene were Lt. Scott Smith, Lt. Roger Brennan, Lt. Brain Donohue and myself. Lt. Scott Smith was leading the Active Shooter Team inside Club Pulse. The remaining Watch Commanders divided responsibilities to manage the evolving incident. A full SWAT, CNT and ESU call out was requested.

After the initial response, I focused my efforts on the outer perimeter and triage. I initially acted as a Liaison to the Orlando Fire Department District 5 Chief, at the triage site behind Einstein Bagels. This was later assigned to Corporal Brad Vilmer. The remainder of my responsibilities was: clearing the evacuation route for the victim removal, locating the initial location of the MOC, coordinating the outer perimeter (redirection of traffic), monitoring the security efforts at the triage location and notification of CID.

I concluded my involvement in this first day of the incident when the dayshift Watch Commanders assumed command, along with other command staff.

****

I Swear or affirm the above statements are correct and true.
(Signature)_______________________

Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This_____Day of ________,20____. _______________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 14

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 15
Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:25 AM

On 06/12/2016, at approximately 0202 hours, I, Officer Mamone 31619 responded to Pulse Nightclub located at 1912 S Orange Ave, reference an active shooter from the area of Curry Ford Rd and Crystal Lake Dr.

Upon my arrival at the front of the business, I heard shots continuing to be fired. I entered the building with 4-6 other Officers through a south side window near the `VIP entrance` which we broke out in order to gain entry. After I realized the shooter was contained to rear of the building I began moving injured victims to the medical triage positioned in the east parking lot of Einstein Bagels. After moving injured victims who were found alive from the secured areas of the club I remained on scene and assisted with the victims who later left the club during the incident.

I remained on the scene until approximately 0930 hours.

****

I Swear or affirm the above statements are correct and true. (Signature)______________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This_____Day of ________,20____. ______________________________
Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 15

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 16
Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:26 AM

On 06/12/2016 at approximately 0202 hours, Officer Dowson (19721) and I, Officer Vicil (31491), responded to The Pulse nightclub located at 1912 S Orange Av to assist in reference to shots fired. Upon our arrival, we staged ourselves with Officer Dowson`s long guns and other officers on a paved area behind Pulse, from W Kaley St. When other officers began removing victims from the club, we started to move ambulatory victims behind Einstein Bros. Bagels (1901 S Orange Av) for cover. After that, we carried injured victims from the relay towards the paramedics behind Einstein Bros. Bagels. During the next several hours, I took verbal and written statements from a few witnesses, escorted the witnesses to the restroom, moved the witnesses further away from the scene, and waited until the Lynx bus arrived for the witnesses at around 7am.

****

I Swear or affirm the above statements are correct and true. (Signature)________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This_____Day of ________,20____. ______________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 16

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 17 Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:27 AM

On June 6, 2016, at approximately 0202 hours, I, Officer Brandon Rush #30679 responded to 1912 South Orange Avenue (Pulse Nightclub) to an officer requesting emergency backup in reference to an active shooter.

Upon arrival, I took a perimeter position along the north side of 1900 South Orange Avenue (Pro Tint & Detailing) in the parking lot. While using the vehicles in the parking lot for cover, I heard the exchange of gunfire coming from within the nightclub. [redacted]

[redacted]

At this point I proceeded to 2000 South Orange Avenue (Dunkin Donuts) to assist officers. Officers were asked to stand by and prepare a triage area as the Orlando Police Department SWAT team was preparing to make entry into the building. A triage area was established in the parking lot to the west of the Dunkin Donuts. As the SWAT team made entry, victims came running out of the west side of the building and were escorted over to the triage area. The victims were then loaded into waiting pickup trucks to be taken to medical personnel. Concluding my involvement, I stood by until my assistance was no longer needed and departed the scene.

****

I Swear or affirm the above statements are correct and true. (Signature)____________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ______________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 17

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 18 Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:29 AM

On 6/12/2016 at approximately 02:20 hours, I, Officer N. Chase (17708) responded to 1912 S. Orange Ave (Pulse Nightclub) in reference to an active shooter. Upon my arrival, I assisted the Orlando Fire Department treat patients at the intersection of S. Orange Avenue and Kaley Street. I also assisted in helping OFD treat patients behind the Einstein`s business and transported victims, including Officer M. Napolitano (18825) to ORMC for treatment.

****

I Swear or affirm the above statements are correct and true.
(Signature)______________________________

Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ________________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 18

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 19
Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:30 AM

I, Officer Hurt (19153), responded to Pulse Night Club. I parked my vehicle on Kaley St and made my way to the west side of the club, taking cover behind a dumpster. Once relieved by SWAT I returned to my car and was tasked with talking with some of the patrons of the club. An Orange County Officer got my attention and pointed out a man that needed to talk to an officer. [redacted] After a while, I took over the intersection of Kaley and Lucerne directing traffic until I was relieved some hours later.

****

I Swear or affirm the above statements are correct and true. (Signature)______________________________	Officer Name/ID# (Print)
Sworn to and subscribed before me, the undersigned Authority,	
This______Day of ________,20____. ______________________________	
Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD	

END OF SUPPLEMENT NUMBER 19

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 20
Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:31 AM

On 6/12/2016 at approximately 0215 hours I, Corporal Vilmer (16155), responded to a shooting incident at Club Pulse. Upon arrival I began providing security for the Orlando Fire Department (OFD) triage area located behind Einsteins Bagels. I separated injured victims and witnesses, and helped relocate witnesses away from the triage area. After a few minutes of this, I was tasked by Lt. Brady (10322) to be the OPD/OFD liaison. I was responsible for relaying information to and from the OFD command staff, and coordinating units on the perimeter of the incident. I maintained this function until relieved by day shift.

****

I Swear or affirm the above statements are correct and true. (Signature)____________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of _________,20_____. ______________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 20

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 21 Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:33 AM

On June 12, 2016 at approximatley 0202 hours, I, Officer Denton (30738) responded to 1912 South Orange Avenue (Pulse Nightclub) in reference to a shooting. Upon arrival, I assisted with treating two wounded victims suffering from multiple gunshot wounds on W. Kaley Street. I then entered into the lounge area of the nightclub and assisted with removing more wounded victims to the triage area. I then returned inside of the lounge area of the nightclub to assist with scene security.

****

I Swear or affirm the above statements are correct and true. (Signature)__________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of _________,20____. ______________________________
Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 21

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 22 Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:34 AM

On June 12, 2016, at approximately 0200 hours, I, Sgt Pina (11767), responded to 1912 S. Orange Avenue (Pulse Night Club) in reference to an active shooter. Upon my arrival I parked my vehicle on Orange Avenue south of Pennsylvania Avenue. As I made my way south on Orange Avenue, I noticed several victims in the driveway of OFD Station 5. There were also several people knocking on the station`s doors. I stopped to assist other Officers (NOI) with the victims. Officer Gauntlett and another officer transported two victims in their patrol cars as we were not getting any response from OFD. I got on a different radio channel and requested headquarters call the fire station and request assistance. Some time later the door opened and OFD personnel began assisting with victims.

I then assisted with carrying 2 victims to the triage area OFD had set up behind the parking lot of Einstein`s. I assisted with moving the witnesses from the parking lot of Einstein`s to a lot just south of the parking lot away from the `triage` victims.

Lt. Brennan then told me to go to ORMC to take charge of the scene there. I met with Corporal Hutto who already had officers throughout the hospital as requested by ORMC`s Head of Security. I remained at the hospital until I was relieved by Sgt. Gillespie.

That concluded my involvement in this incident.

****

I Swear or affirm the above statements are correct and true. (Signature)______________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This_____Day of _______,20____. __________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 22

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 23 Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:35 AM

On 06/12/2016 at approximately 0205 hours, I, Officer F. Monroig Santiago # 11804, responded to 1912 South Orange Avenue (Pulse) in reference to an active shooter.

Upon arrival at the east side of the club (Orange Avenue), I heard numerous shots coming from inside the establishment. Once additional officers arrived on scene, entry was made from the east side patio. While inside, I observed multiple casualties on the ground near the bar area and could still hear shots being fired. Once it was discovered the suspect was barricaded in the restroom, I remained inside the club until SWAT officers arrived. I then remained on scene providing additional assistance until 0830 hours.

****

I Swear or affirm the above statements are correct and true. (Signature)______________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ______________________

Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 23

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 24 Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:36 AM

On June 12, 2016, at approximately 0200 hours, I, Officer Broder (18908) responded to 1912 S Orange Avenue (Pulse), in reference to emergency assistance for an officer with shots being fired. While in route additional radio transmissions were being broadcast with the audible sound of gunfire in the background.

I arrived on W Kaley Street from Interstate 4, and stopped in the area of S Kuhl Avenue. I walked eastbound and approached the incident address on foot. While walking up, I observed multiple injured people along the south sidewalk of W Kaley Street. I approached the north side of Pulse. There I joined an Orlando Police Officer and Orange County Deputy. We moved forward to an opening in the fence line on the northwest corner of Pulse. This led to a hallway that ran east to west, on the north side of the club. The three of us maintained lethal cover down this hallway, covering three doors on the north side of the building. I took a position behind a large tree for cover, as I maintained watch on the hallway and roof line. I was eventually relieved by SWAT officers and left my position.

Upon returning to my vehicle, I was instructed to meet with subjects who had fled the club during the incident. I met with multiple subjects along the south side of W Kaley Street. These subjects were eventually brought to the designated muster location at W Harding Street and S Orange Avenue.

****

I Swear or affirm the above statements are correct and true. (Signature)________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of _________,20____. ______________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 24

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 25
Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:38 AM

Upon my arrival to the Pulse incident I assisted by evacuating nonambulatory victims from the eastside doorway of the club. I assisted several officers as we carried victims across S. Orange Avenue to the medical triage area or, if they appeared to be very critical condition, to a police pick-up truck for immediate transport to the hospital.

I assisted in medical logistics for an extensive period of time until we were notified that an Orlando Police officer was shot. Other officers and I placed him in the bed of the truck and transported him to the hospital. I returned to the scene and assisted as another wave of hostages was released.

****

I Swear or affirm the above statements are correct and true. (Signature)________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ______________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 25

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:39 AM

On June 12, 2016, I, Officer Rine 15633 responded to calls of shots fired (active shooter) at 1912 S. Orange Ave. (Pulse Nightclub). Upon arrival, at approximately 0210hrs. I, exited my patrol vehicle and grabbed my patrol rifle to assist in locating the suspect. At this point I heard a series of gunshots being exchanged between more then one shooter. As I approached the nightclub I could hear several more shots being fired. I was then confronted by approximately 50-60 of what appeared to be uninjured individuals exit the nightclub from the patio area. I directed them across the street to Einstein Brothers Bagels where other officers were waiting to assist them while providing them cover to safely exit. After the individuals were across the street, I took a position of hard cover outside by the front door (Esther St. entrance) waiting for the suspect to possibly exit.

Soon after, I was advised that officers inside needed more assistance removing the injured from inside the nightclub. I gave another officer my patrol rifle who did not have one and went inside to assist other units with removing victims from the club. By 0235hrs all of the surviving injured that were in the bar and dance floor area were removed.

SWAT soon arrived on scene and relieved units inside of the nightclub and the patrol units that were inside went across the street to a parking lot on Esther St. to await the rescue of the victims being held hostage and were holed up in the bathroom.

SWAT made entry and myself and other units assisted with getting approximately 15-20 non injured and severely injured people to safety by utilizing stretchers and carrying victims to an unmarked pickup truck which was used to transport to the triage area and to the hospital.

****

I Swear or affirm the above statements are correct and true. (Signature)________________________	Officer Name/ID# (Print)
Sworn to and subscribed before me, the undersigned Authority, This______Day of ________,20____. ______________________________ Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD	

END OF SUPPLEMENT NUMBER 26

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 27 Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:42 AM

On 06/12/2016, at approximately 0202 hours, I, Officer K. Vidro #30422 responded to Pulse Nightclub located at 1912 S. Orange Av, reference an active shooter.

Upon my arrival, I heard shots continuing to be fired from inside the building. I approached the north side of the building as shot continued to be fired. I was able to observe officers engaging the suspect. At that time, I observed a victim with a gunshot wound to the stomach lying on the ground in the parking lot of 1900 S. Orange Av (Pro Tint & Detailing), next to the fence by the club. I made contact with the victim and escorted him to the Orlando Fire Department Station 5. I later entered the building and observed multiple victims on the ground. I then assisted evacuating victims out to the triage area. I remained on scene and continued assisting to approximately 1000 hours.

****

I Swear or affirm the above statements are correct and true. (Signature) ______________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This_____Day of ________,20____. ____________________
Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 27

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 28
Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:43 AM

On 06/18/16, I , Officer Afonso (19999) responded to 1912 S. Orange Ave (Pulse Nightclub) reference emergency assistance for an officer with an active shooter. Upon arrival, I immediately made entry into the building from the east onto the patio through the hallway into a dance floor area with responding units. Once inside, information was relayed that there was a door on the south side of the building that could be a potential exit for the suspect. Myself and another officer were close to the door and backed out to cover the potential exit while units were still responding. I was positioned in a parking lot of the neighboring auto detail center. [redacted] It was decided to expand our perimeter and units backed up into the roadway. I was then contacted by a lieutenant who asked if my car was accessible, to which I stated yes. I was then instructed to go back to primary radio channel to respond to another in progress call. This ended my involvement with the incident.

****

I Swear or affirm the above statements are correct and true. (Signature)____________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This_____Day of ________,20____. ________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 28

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 29 Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:44 AM

On 06-12-2016 I (Officer Handoga #12482) was dispatched by police radio to assist with a shooting ay 1912 South Orange Avenue.

At approximately 0700 hours I was in the 1700 block of South Orange Avenue. I was ordered by Lt. Brady #10322 to respond to the rear of the Einstein Bagels located at 1901 South Orange Avenue to secure two bodies. I observed two bodies behind an Orlando Police barrier on the east side of the business. There were multiple officers in the general area but no one with the bodies. I remained with the bodies.

At approximately 0900-0930 hours Officer Rachel San Filippo of the Winter Garden Police Department secured the bodies for approximately 5-10 minutes while I used the restroom at the adjacent 7-11 Store.

I returned to my position and remained with the bodies until approximately 1300 hours when the Federal Bureau of Investigation`s Evidence Response Team relieved me.

During my time on scene the bodies were undisturbed.

****

I Swear or affirm the above statements are correct and true. (Signature)________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This_____Day of ________,20____. ____________________________
Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 29

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 30 Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:45 AM

On June 12, 2016 at approximately 0157 hours, I, Officer G. Justiniano (30938) was dispatched to a signal 85 call in the India 7 district area (Case # 2016-00242027). I was en route to the call when I heard an officer call over the radio `Shots fired, shots fired!` This was at approximately 0200 hours. Headquarters identified the Oscar unit and that he was assigned to Pulse Night Club which is located at 1912 S. Orange Avenue. The unit yelled that he needed more units. I turned my vehicle around and started heading towards the direction of Pulse Night Club.

Upon arrival, there were many patrol cars parked on Orange Avenue, just south of the Pulse Night Club. I pulled in front of OFD Station 5 (off of Kaley Street and S. Orange Avenue). I immediately noticed Sgt. N. Pina (11767) who was standing in front of OFD Station 5. I asked her how I can help. Sgt. Pina stated that victims needed help being transported to the hospital. There was a black male victim (with multiple gun shot wounds) who was right next to me. Another OPD officer (NOI) helped me to get him into the back of my patrol vehicle. I immediately took the male victim to the emergency room bay area located at the Orlando Regional Medical Center (ORMC) off of Miller Street and S. Orange Avenue. ORMC security and staff (NOI) helped in removing the victim from my patrol vehicle and placed him on a gurney and rushed him inside the emergency room area. I got back into my patrol vehicle and drove back to where Sgt. Pina was located. I exited the vehicle and asked Sgt. Pina what more I can do to assist. She requested that I go back to ORMC to assist with the receiving of additional victims that were being transported there. I headed back to ORMC and assisted ORMC emergency room staff with multiple victims brought in by other OPD officers, OFD Rescue trucks and private ambulances.

[redacted]

[redacted]

[redacted] I was relieved at approximately 0600 hours by another OPD officer.

INVESTIGATIVE SUPPLEMENT

The following changes, additions, or deletions were made.

Associated Case Type :

****

I Swear or affirm the above statements are correct and true.
(Signature)________________________

Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This_____Day of ________,20____. ______________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 30

Orlando Police Department 8.11
Supplement Report

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:47 AM

I responded to the shooting at Pulse when Officer Gruler called it out on the radio. When I arrived at S Orange Ave and W Kaley St I could hear shooting coming from within Pulse. I entered Pulse from the patio. I heard gunshots inside the club, but could not discern where they were coming from. I heard Lt Scott Smith (5581) tell units to begin triage. Someone yelled grab and go. An unknown man, lying on the floor, reached up for assistance. He told me he could not stand or walk. He had at least one visible gunshot wound to his right leg. I grabbed both of his wrists, and he grabbed mine. I dragged him outside of the club through the patio, and away from the building. I reentered Pulse through the patio. I located another unknown male lying on the floor. He too was unable to stand or walk. I grabbed him by both wrist and he grabbed mine. I pulled him from the building, through the patio, and across S Orange Ave to Einstein Bagel, where OFD was setting up a triage area. I informed the OFD commander that there were many victims and we were in need of many ambulances. I got a pair of latex gloves from someone and went back into Pulse. At this time someone opened an interior door on the north side of the business (adjacent to the bar). Officers and Deputies ordered the person out, but they retreated back and closed the door. We repositioned ourselves after learning that through that door is a ladder leading up to an office. An OPD officer opened the door and ordered the person out. We learned that there were still multiple people upstairs. The people in the office descended the ladder one at a time and exited the doorway, toward us. They were all directed out of the building. I exited through the entry door on the south side of the building.

I worked with OPD, UCF and GOAA K9 units to coordinate sweeps of all staging areas and the parking lot to the tint business to the north of Pulse. I ordered units to expand the evacuated area based on the information provided by the K9 handlers.

My significant exposure was documented under OPD case number 2016-242683.

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 ______________________________________________________________________
|I Swear or affirm the above statements |Officer Name/ID# (Print)     |
|are correct and true.                  |                             |
|(Signature)____________________________|                             |
|_______________________________________|_____________________________|
|Sworn to and subscribed before me, the undersigned Authority,        |
|                                                                     |
|This______Day of ________,20____.  _______________________________   |
|Notary Public |_|  Law Enforcement Officer |_| Emp# ____  Orlando PD|
|_____________________________________________________________________|
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END OF SUPPLEMENT NUMBER 31

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 32 Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:49 AM

On June 12, 2016, at approximately 0200 hours, I, Officer Ragsdale (30750) and Officer Imburgio (19018), responded to the active shooter at Pulse Night Club. We approached from the north side on South Orange Avenue.

We stopped the unmarked patrol vehicle just south of Kaley Street on South Orange Avenue. I made my way through the window tinting business parking lot just north of Pulse, with just my Pistol. Once I approached the front of the club, I noticed a sergeant (NOI) standing behind a car. I asked the Sergeant if we were going in. He advised me ``I`m not your Sergeant.` After that Officer Imburgio, Officer Medvetz and I headed for the east entrance of Pulse, through the patio.

I made entry first with Officer Medvetz behind me and Officer Imburgio behind Officer Medvetz. Once I entered in to the club, I noticed about 60 victims lying on the floor. Officer Medvetz and I went left to the south side of the building. Officer Imburgio went right to the north side of the building. Officer Medvetz and I came to a closed door approximately 10 feet south of the east entrance. Officer Medvetz was holding security to the open floor where the 60 victims were laying. I tried to open the door but I felt something pulling back on it, holding it closed. I announced that I was the Orlando Police Department and the door open freely. Once the door opened victims started running out. The victims tried to run back in to the club. I was unaware where the shooter was at that point so I held my pistol in one hand pointing it at the crowd running out of the bathroom and with my other hand pushing the victims out the patio door. Once the last victims ran out I entered by myself, to what I later found out to be a bathroom, once I made entry, I cleared the bathroom and came up negative for the shooter.

I exited the bathroom and met back up with Officer Medvetz, we began to clear the rest of the south side of the building. I remember filling hands grab my ankles as I walked by the victims as they were asking for help. I jumped on the L shaped couch on the south wall to check the deep corner. Once the couch was cleared, we headed west along the south wall that led us in to the back bar area. There were a few closed doors and a deep hallway. As I made entry in to the back bar area, I saw two Orlando Police Officers, on the north side, Shooting down the deep hall way. At that time I could not see what they were shooting at. Officer Medvetz and I held security on the south side of the bar. About 30 minutes passed when a dark skinned man came crawling out of the deep hallway, where the Officers were shooting. An Orlando Police Officer instructed the subject to crawl to the south, where Officer Medvetz and I were holding security. I ran to the subject and dragged him to the exit, where I passed him off to the officer outside. I came back to the south side of the bar where I waited for approximately 30 more minutes until I was replaced by SWAT Officers.

[redacted]

I walked back down to the club to assist with the injured. We staged on the south side of Pulse, behind Dunkin Donuts. Once SWAT made entry to the Westside of the building, myself and a few other Officers started to evacuate the victims. When the suspect started to shoot, I found cover behind a car and watched SWAT eliminate the threat. Once the shooting stopped, we were able to evacuate the last few victims.

****

I Swear or affirm the above statements are correct and true. (Signature)____________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of _________,20____. ______________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 32

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 33
Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:50 AM

On 6/12/16, at approximately 0200 hours, I, Officer Pallo (16923) responded to 1912 South Orange Avenue (Pulse Night Club), reference to an emergency backup call for Officer Gruler.

On arrival I retrieved my department issued long gun and approached the club as I heard multiple gunshots from inside. I was advised the suspect was hiding in one of the bathrooms and provided cover for other officers to extract the injured from inside the club. I held position on the south doors and continued to provide cover on the bathroom hallway until I was relieved by SWAT.

For the remainder of the incident I assisted with helping the victims from the bathrooms to the secondary secure location where paramedics were waiting.

****

I Swear or affirm the above statements are correct and true. (Signature)______________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This_____Day of _______,20____. ________________________

Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 33

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 34
Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:51 AM

On 6/12/16, I Officer Evangelista #14596 responded to assist Officer Gruler #12897 with shots fired at the Pulse Night Club. Upon my arrival, myself and other officers took a position on the Kaley side. Eventually, we made our way to the front entrance where several patron were able to run out.

Once they were clear of the club, I made entry into the club towards the dance floor with other officers and observed several gunshot victims on the ground. Several more rounds were fired by unknown persons at which time we took cover. A few of the victims were yelling for help at which time, I told them not to stand up and to crawl towards us. As they did, we were able to guide them to the exit.

We then made our way towards the rear of the club where other officers were taking cover. I climbed to a second floor patio area via a ladder and cleared the upstairs section.

Once cleared, I took a position with other officers on the first floor covering the restrooms as victims were helped from the dance floor.

****

I Swear or affirm the above statements are correct and true. (Signature)________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ______________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 34

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 35
Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:52 AM

On June 12, 2016, at approximately 0202 hours, I, Officer Tyler Olson #18822, responded to 1912 South Orange Avenue, Pulse Nightclub, in reference to an active shooter situation.

Upon my arrival I observed several victims huddled in front of Orlando Fire Station #5. I grabbed my patrol rifle and ran towards the club. I attempted to make entry to the club through the east porch area. As I was attempting to enter, a large group of victims began to exit the club from the east porch. I began directing the victims across the street, towards Einstein Bagels. After this group finished exiting I made entry into the club. I entered the club and observed a large number of casualties in the dance floor and bar area. I continued to push deeper into the club and took a position near the entry foyer. From my position I was able to cover the northern balcony, where the DJ equipment was. During this time we discovered there were additional victims hiding in the balcony area. We began to order these victims to come out with their hands up. These victims were able to exit the balcony from a ladder behind the bar. I remained in this position until relieved by the SWAT team.

After the SWAT team engaged the suspect, I positioned my Orlando Police Department Ford F-150 near the entrance to the club in order to assist with transporting victims to ORMC. Officer Richard Fink #30041 and I transported a naked black male who had a makeshift tourniquet wrapped around his leg.

I remained at the scene until approximately 0715.

****

I Swear or affirm the above statements are correct and true.
(Signature)________________________
Officer Name/ID# (Print)
____

Sworn to and subscribed before me, the undersigned Authority,

This_____Day of ________,20____. ______________________________
Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 35

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 36
Date Of Supplement: 06/27/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/27/2016 6:54 AM

On 06-25-2016 at approximately 0456 hours, I, Officer K. Walczak (30045), responded to the Pulse Night Club located at 1912 S. Orange Ave in reference to a shooting. Upon arrival, I came to the intersection of Pennsylvania St and Kuhl Ave in a perimeter spot. I remained at the intersection until I was relieved by another Officer.

****

I Swear or affirm the above statements are correct and true. (Signature)______________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ______________________________

Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 36

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 37 Date Of Supplement: 06/28/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/28/2016 7:19 AM

On Sunday, June 12, 2016, at about 0230 hours, I, Officer N. Collins (16439), responded to 1912 South Orange Avenue, Orlando, Florida.

Upon arrival, I pulled my marked patrol vehicle (8725) into the parking lot of the detailing shop to the north of the Pulse nightclub, for officers to use as cover at their request.

On Friday, June 17, 2016, my vehicle was returned from the scene. Upon inspection the front windshield was cracked and the battery was dead. The vehicle was in the immediate area of the Orange County EOD and Orlando Fire Department Bomb Unit for the event.

My supervisor Sgt. Massicotte (11766) was notified.

****

I Swear or affirm the above statements are correct and true. (Signature)____________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ______________________________

Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 37

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 38
Date Of Supplement: 06/29/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/29/2016 4:09 AM

On June 12, 2016 at approximately 0200 hours, I, Officer H. Vadi (30887) was working off duty at 83 E. Colonial Dr (7 Eleven) when emergency assistance was requested for 1912 Orange Ave (Pulse Night Club).

I arrived on scene at approximately 0209 hours. While on scene, I assisted with transporting multiple victims of the Pulse Night Club in a pickup truck to the Orlando Regional Medical Center (ORMC). Other OPD Officers and I averaged approximately 9 trips to ORMC. Each trip had approximately 4-5 victims transported in the bed of the pickup truck.

While transporting the victims, my uniform came in contact with blood from the victims we assisted.

****

I Swear or affirm the above statements are correct and true. (Signature)___________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of _________,20____. _______________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 38

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 39 Date Of Supplement: 06/29/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/29/2016 4:11 AM

On 06/18/2016, at approximately 0200 hours, I Officer Falbo (16506) was working in an off duty status at the Eve nightclub located at 110 S Orange ave. I heard a call go out for the Pulse Nightclub regarding an `active shooter`. I responded to the scene and parked my vehicle just north of the club and proceeded on foot to the club.

I met up with several Officers who were surrounding the building and asked them where the shooting was coming from. I was unable to get a clear answer and proceeded to the front door of the club where I observed several Officers (NOI) `stacked` at the door. As I approached the Officers, I waived them into the building. Once inside of the building, I immediately noticed numerous bodies laying on the dance floor unresponsive as well as other people running frantically outside the front door. As I made it further into the building, I heard several gunshots from inside the club but I was unable to pinpoint where the shooter/shooting was coming from. The only thing I was able to tell after the shots being fired where that they were coming from the rear of the club directly in front of me. After the initial burst of gunfire, several other Officers (NOI) and myself made our way to the south/west side of the club to a hallway/exit door to which we took cover inside the building. At that point, it was discovered the suspect was possibly held up in a bathroom which was located directly in front of where I took cover. I covered the bathroom along with Sgt. Backhaus, Officer D. Cote, an Orange County Deputy (NOI) and unknown OPD Officer (NOI). While we were holding the bathroom several Officers began to enter the building rescuing victims from the club. After several minutes a male appeared from what appeared to be the mens bathroom yelling he was shot. The male was given orders to which he complied and was rescued by other Officers who dragged him from the club/red zone as cover was held on the bathroom to which we believed the suspect was in. During this time, we received a radio transmission that the suspect has pledged his allegiance to `ISIS`. [redacted] After these transmissions were made, we all remained on target and did not leave our positions inside of the club.

At this point, members of SWAT began to arrive and replace patrol. I and Officer Cote were eventually the last to be relieved and exited the club. Once outside, reports came in about shots fired at ORMC. I responded to ORMC and after the report was deemed invalid, I stayed and provided security until other Officers showed up and relieved me. I then proceeded back to Pulse to provide further assistance. [redacted] a unit was calling for help at Florida South where several surviving victims were taken. I then made the decision to head to Florida South to assist. I remained at Florida South assisting the hospital staff until I was relieved and told to go home.

This marks my involvement in the Pulse Nightclub shooting.

****

I Swear or affirm the above statements are correct and true. (Signature)____________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ______________________________

Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 39

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 41 Date Of Supplement: 06/30/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/30/2016 6:21 AM

I Officer Neigel (20061), responded to the scene, immediately as it occurred. I arrived and assisted nearby victims in escaping from the area around the nightclub. After, I went inside the nightclub, and maintained cover for other officers as they removed wounded from within. The remainder of the incident, I spent protecting club patrons who had been brought to a safe area nearby.

****

I Swear or affirm the above statements are correct and true. (Signature)________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ______________________________
Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 41

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 42 Date Of Supplement: 06/30/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/30/2016 6:22 AM

On 6-12-2016, I responded to the 1900 block of S. Orange Ave (Pulse Nightclub) in reference to an immediate officer assistance with gunshots fired. When I arrived, I assisted several non-injured & injured nightclub patrons who were exiting the south side of the Pulse Nightclub building, to the south eastern side of the Dunkin Donuts building (2000 S. Orange Ave), for cover.

I took a position with other responding officers & deputies on the north side of the Dunkin Donuts parking lot area, covering the south side of the Pulse Nightclub building. After several hours, I was ordered by Lt. Donohue, to proceed to Florida Hospital South, to cover the main entrance of the hospital. I remained at that post until I was relieved of duty at approximately 0915 hours by another police unit.

****

I Swear or affirm the above statements are correct and true. (Signature)______________________	Officer Name/ID# (Print)
Sworn to and subscribed before me, the undersigned Authority,	
This_____Day of ________,20____. ______________________	
Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD	

END OF SUPPLEMENT NUMBER 42

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 43
Date Of Supplement: 06/30/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 6/30/2016 6:24 AM

On 6/12/2016, at approximately 0200 hours, I, Officer Austin (18921) responded to Pulse nightclub at the intersection of Kaley Street and South Orange Avenue in reference to a active shooter incident.

Upon arrival I parked on north west of the Pulse night club approximately 150 yards east of Orange Avenue on Kaley. I exited my marked Orlando Police Department vehicle (9060) and acquired by agency issued AR-15. I left my vehicle unsecured for other responding officers that were arriving behind me to use as cover. Moments later I shouted to another officer (NOI) to move my vehicle closer to use as cover for other responding officers. In the process I observed several Orange County Deputies and Orlando Police Department officers still arriving. At this time I made the decision to acquire 5-7 other officers and move towards the club from the north west corner.

During this time we moved in a line formation with one point man (Unknown Orange County deputy with a pistol) as I held a rifle. We moved swiftly and quickly along the north side of Pulse towards the front of Pulse as I observed several other officer moving into Pulse from the west side entrance, we proceeded past this entrance and around to the front south east corner of the building. I observed a vehicle in front of the double door entrance, the group of officers I was with took up positions covering two possible exits on the south side of the building. As I began to enter the Pulse Night club at the front door, I observed Officer Hyland (17447) lifting an unknown person who appeared to be fighting for their life towards the outside of the building. During this time, Officer Hyland was lifting them, walking backwards while trying his best not to drag their feet. I assisted by providing lethal support for Officer Hyland. Moments later, Officer Hyland fell to the ground. With one hand, and as best as I could, I held my rifle with my right arm and hand still pointing at the doorway and used my left hand to grab the right wrist of the victim. I pulled the victim behind the car on the south east corner of the Pulse night club while shouting to Officer Hyland `Move, get up, get behind the car!`

I looked at Officer Hyland and shouted, `Where is your truck?` While other officers assisted in maintaining cover on the two exits we examined the victim behind the vehicle. Officer Hyland then ran to his unmarked truck parked on the east side of Pulse by Orange Avenue. As officer Hyland acquired his truck, I covered officers as they lifted deceased and badly wounded persons from within the club and from the south side of Pulse into the truck. It should be noted I observed at least four deceased outside the club on the south side along the south side perimeter of Pulse. There was a small fenced portion housing what appeared to be a shed and outside walk in freezer/cooler. Inside this fenced compound Officer Tabaczynski, a deputy and I found a deceased individual behind the door of the shed, between the door and the fence of the compound. Again I covered while officers pulled this individual out into the parking lot and again loaded him into the bed of the truck.

After this I acted as cover for officers on the interior perimeter by rotating with them periodically to maintain our energy and staying alert while not being fatigued. We would rotate while maintaining cover on doors inside the business. During that time I observed several injured parties rescued from interior rooms that were hiding from the gunman. At this time I can not remember how many ran out of the building from these rooms but I remember at least seeing three from the south side. While escorting one to the exterior units on the perimeter I was flagged down by family members of the victims inside the Pulse night club.

These family members stated that they had received multiple texts from their family members and friends stating that they were in the bathroom with the gunman. They began explaining how he spoke of Islam and pledging his allegiance to the Islamic State. [redacted] I immediately escorted these family members (four separate individuals) to a command post north of Orange Avenue and Kaley Street along with Officer Rush (30679). Once at the temporary staging area with Orlando Fire Department I met with Lieutenant Brennan (7597) and advised him of the intel that I was receiving. He ordered me to get these individuals to the command post which was located south of Harding Street and Orange Avenue. Officer Rush and I escorted them all there where they were still communicating with victims and trapped citizens inside.

Once at the command post, I was able to ascertain that one of the people worked at Pulse and knew the layout of the building. Also they knew their friend was located in the female bathroom. This same individual (NOI) was able to provide a diagram of the interior of the club and was able to pinpoint exactly where the female bathroom was in terms of door ways and large dance floor. [redacted] I drew the map of the interior of the club and provided this to Captain Canty (10046) and the staff inside the command post.

I then took up a position on the south side of Pulse Night club behind the Dunkin Donuts establishment (NOI). While en route however I observed a large crate of water, which I acquired and distributed to Officers and Deputies alike still waiting behind Dunkin Donuts (2000 South Orange Avenue) waiting to assist now SWAT Officers who had taken over the interior perimeter and whom were about to begin their assault on the Pulse building.

Soon after, SWAT personal breached the west side of the Pulse nightclub and victims began running out of the building. SWAT personal began pointing them south towards Harding Street. Officers met with these victims and began lifting them to safety. Officer Rush and I and met up again and went to assist. As we approached two SWAT personal approached us with an individual with at least four gun shot wounds to the legs hip and shoulder and bleeding badly. As I ran to assist these SWAT officers (NOI) I relieved them as they took up their previous positions, I began looking at the wounds the victim had and began speaking to him, `Stay with me, keep fighting!!! We will get you to safety, stay with us!` Instantly afterwards, the suspect engaged SWAT personal and began shooting. I observed SWAT engage the suspect as I continued to do what I could to grab the victim, lift him along with two other officers and run south while numerous gun shots still were being exchanged. I observed an unmarked Edgewood or Winter Garden Police Department vehicle parked on W Muriel Street and South Orange Avenue. I shouted to the male Officer (NOI) I need help grab your truck. Without hesitation he dropped the back tail gate and we loaded the victim onto the back of the bed of the truck. Officer Imburgio (19018) directed him to the line of ambulances waiting on Kaley Street. I remained on my hands and knees looking into the victim`s eyes while talking to him to `Stay with me, I am here with you, your safe now!` I would periodically tap on his left cheek to regain his attention and keep him alert as he would flex from the pain on the entirety of his body.

As we all pulled up to Kaley Street, we were directed by Ambulances and their personnel standing by that we needed to go to the Orlando Fire Department command post, located north of Kaley Street on South Orange Avenue. At this time several Engines and Towers were blocking our approach. I shouted at the medical staff, `Are you serious we can not get to them, you need to take him now!!` As multiple other victims arrived behind me other Ambulances began to follow suit and began picking up our victims on the back of the trucks arriving at this secondary location. I returned to the scene with the unknown municipality officer and immediately picked up three more victims.

During this time I picked up a black female with a gun shot to her right knee. She began screaming in agony as I knelt beside her and began holding her hand tightly while touching the right side of her face with my left hand. As I looked at her, I told her to stay strong and keep breathing. I told her that we were getting her an ambulance and taking her there to speed the process up. She nodded and began breathing heavily. During this time I realized I was covered in blood from my fingertips to my elbows. Although I was wearing gloves they had been torn and ripped to shreds and were falling from my wrists. After escorting these people to safety and watching them leave on ambulances I returned to the scene and attempted to assist further. At this time there was nothing further to assist with. I returned to my vehicle opened the door with a clean glove, acquired hand sanitizer and removed all blood from my hands and arms as best I could before being able to make it to a restroom later this morning.

Later this day, 6/12/2016, I returned to work approximately 1700 hours after leaving at 0900 hours this same morning. I was notified that units on scene required officers with fingerprint scanners. Officer Broder (18908) and I responded to assist. We were then notified that FDLE officers required our assistance at the Medical Examiners located on Michigan Avenue. Upon arrival Officer Broder and I began assisting the Medical Examiners Office and FDLE Officers with the identification and forwarding identified victims information to other FDLE Officers with awaiting families. During this time I coordinated with Lieutenant Brennan who was still on the scene of the original incident. At approximately 0400 hours, 6/13/2016, we had successfully identified 49/50 deceased individuals transported to the ME`s office.

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I Swear or affirm the above statements are correct and true. (Signature)____________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ______________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 43

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 44 Date Of Supplement: 07/01/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 7/1/2016 6:47 AM

On 6/12/16 at approximately 0203 hours, I (Officer Justin Wilkins 30423) responded to 1912 S Orange Ave in reference to an unknown trouble. An emergency assistance triple tone went out over the radio to help an officer with shots fired. Responding officers were advised of an active shooter. I responded to the area and observed several people running around the street. I made my way towards Pulse Nightclub and observed a large group of people running out of the side of the club. I helped to gather everyone behind Einstein Bros. Bagels (1901 S Orange Ave). I also helped to carry injured people behind Einstein Bros. Bagels to an area designated for the Fire Department to provide medical assistance. After this was completed, I responded to ORMC (Orlando Regional Medical Center) with several other officers to reports of shots being fired near this hospital. I was with a team who conducted a sweep of the exterior south side of the emergency room building. I responded back to the area of Pulse Nightclub and provided security for the line of ambulances, which were set up near W Kaley Street near Cook Ave, to respond for medical assistance for victims. This line of ambulances was later moved to Pennsylvania Street and Kuhl Ave [redacted]. I coordinated with the ambulances as victims were being brought to them until the situation was over. Afterwards, I provided scene security at Pennsylvania Street and Kuhl Ave until relieved by another officer.

****

I Swear or affirm the above statements are correct and true. (Signature)________________________	Officer Name/ID# (Print)
________________________	________________________

Sworn to and subscribed before me, the undersigned Authority,

This_____Day of ________,20____. ______________________________
Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD
____

END OF SUPPLEMENT NUMBER 44

Orlando Police Department 8.11
Supplement Report

Supplement Number: 45
Date Of Supplement: 07/01/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 7/1/2016 6:48 AM

On 06/12/16, I, Officer S. OGrady (31300), responded to 1912 S. Orange Ave. (Pulse Night Club) as an emergency back-up unit in response to an active shooter.

Upon arrival, I parked my vehicle with several other marked cars on Kaley St., west of Orange Ave. and took up a perimeter position with several other law enforcement officers behind hard cover near the northwest corner of the building. An unknown unit requested, via agency radio, for more units to respond inside the club. I then proceeded to the eastern entrance of the club and along with 4 or 5 other officers, made entry. We passed a front porch and made entry into the actual building. Once inside the building, approximately 5 to 7 gunshots were heard, which sounded like they came from another room on the west side of the club (I never observed who fired the shots), at which time we tried to find hard cover. I observed several victims (approximately 20-30) lying on the floor in the first room inside the entry way. We called for the victims to exit the club however no one was able to exit on their own. I then grabbed the first conscious victim (unknown male) and proceeded to drag him out of the club from where I entered. Once outside in the parking lot, I was assisted by other units in carrying the victim over to a triage area located behind the Einstein`s Bagel on the southeast corner of Orange Ave. and Kaley Street. I then made reentry into the club (same entrance) and grabbed another victim (unknown male), dragging him out of the club. Again once outside other units assisted me with carrying the victim across the street to the triage area. I again went back to the entrance of the club but was told by other units there did not appear to be anymore living victims in plain sight. Given the large amount of units now in and around the club, I returned to the triage and assisted the Fire Department with treating the victims.

After SWAT engaged the suspect, I assisted with the evacuating of a black female from the rear of the club and brought her south across Esther St., behind the Dunkin Donuts.

****

I Swear or affirm the above statements are correct and true. (Signature)________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ______________________________

Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 45

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 46 Date Of Supplement: 07/01/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 7/1/2016 6:49 AM

On June 12, 2016, at approximately 0200 hours, I, Officer Imburgio (19018) along with Officer Ragsdale (30750), responded to the active shooter at Pulse Night Club. We approached from the north side on South Orange Avenue.

We stopped the unmarked patrol vehicle just south of Kaley Street on South Orange Avenue. I made my way through the window tinting business parking lot just north of Pulse, with just my Pistol. I entered Pulse on the east side through the patio entrance. Myself, Officer Ragsdale and Officer Kyle Medvetz (19552) entered together. Officer Ragsdale and Officer Medvetz went left and I went right toward the main bar. When I entered the club I saw multiple casualties on the main floor. Shortly after entering the club, I heard several gunshots coming from an unknown direction. When I heard the gunfire I attempted to seek cover. I exited through patio.

At this time, I was on the south side of the club. I met up with Officer Hyland (17447) and was using his pick up truck as cover. Multiple officers were pulling victims out of club. Once I realized the severity of the multiple victims, I took Officer Hyland`s pick up truck and started loading victims in the truck bed. Since the Orlando Fire Department was unable to transport victims due to the scene being active, I drove the victims to The Orlando Regional Medical Center in the emergency bay. I made approximately 8 trips from the scene to ORMC with multiple victims each trip. I approximately transported 20 gunshot victims using the pick up truck. While I was driving the pick up truck, Officer Hector Vadi (30887) and Officer Myles from Edgewood PD helped hold the victims in the pick up truck bed.

Shortly after transporting the patients, dispatch advised there was an active shooter at ORMC. Multiple officers jumped into the pick up bed and I drove them to ORMC. When exited from the truck, we entered through the emergency bay sliding doors to see if an active shooter was inside. After clearing the building and speaking to medical staff, it was determined that it was communication error and there was no active shooter at ORMC.

Once the immediate threat was gone I helped multiple officers extract victims from the west side of the building. This was my involvement in this case.

****

I Swear or affirm the above statements are correct and true. (Signature)____________________________	Officer Name/ID# (Print)
Sworn to and subscribed before me, the undersigned Authority, This______Day of _________,20____. ________________________________ Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD	

END OF SUPPLEMENT NUMBER 46

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 47 Date Of Supplement: 07/01/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 7/1/2016 6:51 AM

On 06/12/2016 at approximately 0202 hours, I Officer Bethea (19124), was working in an extra duty capacity at the downtown detail when I responded to Pulse Nightclub (1912 South Orange Avenue) in reference to an active shooter. When I arrived on scene, I began moving towards the building and heard numerous gunshots being fired from within and observed people running from the nightclub. As I got closer to the building, the shooting stopped.

I took a position of cover behind a pillar located at the southeast door with several other officers. A few officers entered the building and shortly thereafter, I heard additional gunshots coming from within. A short time after that, I, along with other officers, went inside the building and began taking victims out of the club.

At an unknown time I was relieved by the SWAT team. Once the SWAT team began breaching the west wall of the building and hostages began exiting, I assisted in getting them further from the building. I then waited near the mobile command center until I was released from the scene.

****

I Swear or affirm the above statements are correct and true. (Signature)______________________________	Officer Name/ID# (Print)
Sworn to and subscribed before me, the undersigned Authority,	
This______Day of _________,20_____. ________________________________	
Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD	

END OF SUPPLEMENT NUMBER 47

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039 Page: 1
Supplement Number: 48 Date Of Supplement: 07/01/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

PRINCIPALS LIST

PULSE CLUB Phone: ( )
1912 S ORANGE AV
ORLANDO FL 32806

Contact:

What Changed	**Previous Report**	**Change to Information**

The following Related Offenses were added to this Subject:
3

Suspect : MATEEN,OMAR,MS, Home Phone: ( )

Work Phone: ( )

Race : Unknown Sex: Male D.O.B: 11/16/1986 Age: 29
Hgt : " Wgt: Hair: Eyes . . :
Build. : Complexion: Ethnicity:
Driv Lic #: St: Soc Sec #:
Occupation: School: Citizenship:

What Changed	**Previous Report**	**Change to Information**
Subject Name . . . . . :	UNK,SUSPECT,,	MATEEN,OMAR,MS,
Beg. Age Range . . . . :		29
Military Discharge Dt:		
Deceased . . . . :	No	Yes
Deceased Age . . . . :		
Deceased Date. . . . :		6/12/2016
Date of Emancipation :		
Number of Dependants :		

The following Related Offenses were added to this Subject:
3

Victim : [redacted]

What Changed	**Previous Report**	**Change to Information**
Injury Type #1 . . . :	Laceration	Gunshot

Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )
[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : " [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

What Changed **Previous Report** **Change to Information**
The following Related Offenses were added to this Subject:
3
The following Related Offenses were deleted from this Subject:
1

Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )
[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : " [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

What Changed **Previous Report** **Change to Information**
The following Related Offenses were added to this Subject:
3
The following Related Offenses were deleted from this Subject:
1

Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )
[redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
" [redacted] [redacted] [redacted] [redacted] . . . [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

What Changed **Previous Report** **Change to Information**
The following Related Offenses were added to this Subject:
3

The following Related Offenses were deleted from this Subject:
1

Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

What Changed	**Previous Report**	**Change to Information**
Injury Extent. . . . :	Unknown	Serious

The following Related Offenses were added to this Subject:
3
The following Related Offenses were deleted from this Subject:
1

Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

What Changed	**Previous Report**	**Change to Information**
Injury Extent. . . . :	Serious	Fatal
Military Discharge Dt:		
Deceased . . . . :	No	Yes
Deceased Age . . . . :		
Deceased Date. . . . :		
Date of Emancipation :		
Number of Dependants :		

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] . :

[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted], [redacted] [redacted]
[redacted]
[redacted] [redacted] [redacted]

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] . . . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orange Cty Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )

[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] . . . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )

[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]

[redacted] : " [redacted] [redacted] [redacted] . . :

[redacted] : [redacted] [redacted] [redacted]

[redacted] [redacted] [redacted]

[redacted] [redacted]: [redacted]

Residence Type. : Orlando
Residence Status : Full Year
Statement Type. : None
Condition. . . . :
Extent of Injury: Fatal
Medical Treatment:
Injury Type . . : Gunshot
Injury Type. . . :
Hospital/Clinic :
Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )

[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted]

[redacted] : " [redacted] [redacted] [redacted] . :

[redacted] : [redacted] [redacted] [redacted]

[redacted] [redacted] [redacted]

[redacted] [redacted] [redacted]

Residence Type. : Orlando
Residence Status : Full Year
Statement Type. : None
Condition. . . . :
Extent of Injury: Fatal
Medical Treatment:
Injury Type . . : Gunshot
Injury Type. . . :
Hospital/Clinic :
Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )

[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]

[redacted] : " [redacted] [redacted] [redacted] . . :

[redacted] : [redacted] [redacted] [redacted]

[redacted] [redacted] [redacted] [redacted]

[redacted] [redacted] [redacted]

Residence Type. : Orlando
Residence Status : Full Year

Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] . . . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : [redacted]
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By .
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Osc/Semino Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] . :
[redacted] : [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : [redacted]
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted])

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]

Residence Type. : Orange Cty Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

```
-----------------------------------------------------------  ------------

The following subject was added to the case:
Victim    : [redacted]                  [redacted]  (    )

                                        [redacted]  (    )

    [redacted] : [redacted]   [redacted] [redacted]   [redacted] [redacted] [redacted]
    [redacted] :        [redacted]  [redacted]        [redacted] [redacted] [redacted]
  [redacted] :          [redacted]                    [redacted] [redacted]
  [redacted]                       [redacted]         [redacted]
  [redacted]                 [redacted]               [redacted]

    Residence Type. : Orlando        Residence Status : Full Year
    Statement Type. : None           Condition. . . . :
    Extent of Injury: Fatal          Medical Treatment:
    Injury Type . . : Gunshot        Injury Type. . . :
    Hospital/Clinic :                Transported By . :
    Related Offenses:   1

-----------------------------------------------------------  ------------

The following subject was added to the case:
Victim    : [redacted]                  [redacted]  (    )
            [redacted]
            [redacted]        [redacted]  [redacted]  (    )

    [redacted] : [redacted]   [redacted] [redacted]   [redacted] [redacted] [redacted]
    [redacted] :     [redacted]  [redacted]  [redacted]       [redacted] . :
  [redacted] :          [redacted]                    [redacted] [redacted]
  [redacted]                       [redacted]         [redacted]
  [redacted]                 [redacted]               [redacted]

    Residence Type. : Orange Cty     Residence Status : Full Year
    Statement Type. : None           Condition. . . . :
    Extent of Injury: Fatal          Medical Treatment:
    Injury Type . . : Gunshot        Injury Type. . . :
    Hospital/Clinic :                Transported By . :
    Related Offenses:   1

-----------------------------------------------------------  ------------

The following subject was added to the case:
Victim    : [redacted]                  [redacted]  (  [redacted]

                                        [redacted]  (    )

    [redacted] : [redacted]   [redacted] [redacted]   [redacted] [redacted] [redacted]
    [redacted] :     [redacted]  [redacted]  [redacted]       [redacted] [redacted] . . :
  [redacted] :          [redacted]                    [redacted] [redacted]
  [redacted] [redacted]            [redacted]         [redacted]
```

[redacted] [redacted] [redacted]

Residence Type. : Orlando
Statement Type. : None
Extent of Injury: Fatal
Injury Type . . : Gunshot
Hospital/Clinic :
Related Offenses: 1

Residence Status : Full Year
Condition. . . . :
Medical Treatment:
Injury Type. . . :
Transported By . :

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : " [redacted] [redacted] [redacted] . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando
Statement Type. : None
Extent of Injury: Fatal
Injury Type . . : Gunshot
Hospital/Clinic :
Related Offenses: 1

Residence Status : Full Year
Condition. . . . :
Medical Treatment:
Injury Type. . . :
Transported By . :

The following subject was added to the case:

Victim : [redacted] [redacted] [redacted] [redacted]
[redacted]
[redacted] [redacted] [redacted] ( ) [redacted]

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] . : [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Florida
Statement Type. : None
Extent of Injury: Fatal
Injury Type . . : Gunshot
Hospital/Clinic :
Related Offenses: 1

Residence Status : Full Year
Condition. . . . :
Medical Treatment:
Injury Type. . . :
Transported By . :

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Florida Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] . . . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] . . . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :

Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]

Residence Type. : Orange Cty Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )

[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )

[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted]
: "
: [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

-- ------------

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted]
: [redacted] . . :
: [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

-- ------------

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
: [redacted] . . :
: [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : " [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted]: [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orange Cty
Statement Type. : None
Extent of Injury: Fatal
Injury Type . . : Gunshot
Hospital/Clinic :
Related Offenses: 1

Residence Status : Full Year
Condition. . . . :
Medical Treatment:
Injury Type. . . :
Transported By . :

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando
Statement Type. : None
Extent of Injury: Fatal
Injury Type . . : Gunshot
Hospital/Clinic :
Related Offenses: 1

Residence Status : Full [redacted]
Condition. . . . :
Medical Treatment:
Injury Type. . . :
Transported By . :

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]

[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] [redacted]
[redacted]
[redacted] [redacted] [redacted]

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orange Cty Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orange Cty Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : " [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : " [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :

Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : " [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] 31
[redacted] : [redacted] [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando   Residence Status : Full Year
Statement Type. : None   Condition. . . . :
Extent of Injury: Fatal   Medical Treatment:
Injury Type . . : Gunshot   Injury Type. . . :
Hospital/Clinic :   Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando   Residence Status : Full Year
Statement Type. : None   Condition. . . . :
Extent of Injury: Fatal   Medical Treatment:
Injury Type . . : Gunshot   Injury Type. . . :
Hospital/Clinic :   Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando   Residence Status : Full Year
Statement Type. : None   Condition. . . . :
Extent of Injury: Fatal   Medical Treatment:
Injury Type . . : Gunshot   Injury Type. . . :
Hospital/Clinic :   Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : " [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : " [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : " [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]

[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted]

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] [redacted] [redacted]
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :

Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full [redacted]
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

The following subject was added to the case:
Victim : [redacted] [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : " [redacted] [redacted] [redacted] | | |
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orlando Residence Status : Full Year
Statement Type. : None Condition. . . . :
Extent of Injury: Fatal Medical Treatment:
Injury Type . . : Gunshot Injury Type. . . :
Hospital/Clinic : Transported By . :
Related Offenses: 1

Witness : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] . . :
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

What Changed **Previous Report** **Change to Information**
The following Related Offenses were added to this Subject:
3

Witness : [redacted] , [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] . :
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

What Changed **Previous Report** **Change to Information**
The following Related Offenses were added to this Subject:
3

Witness : [redacted] , [redacted] ( )
[redacted] ( )

[redacted] : [redacted] [redacted] [redacted]

[redacted] : [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

What Changed	Previous Report	Change to Information

The following Related Offenses were added to this Subject:
3

OFFENSES

The following offense was changed in this case.

Offense Number: 1
Crime Code: 0130A AGGRAVATED ASSAULT
Statute . : 784.045 Attempt/Commit : Committed

What Changed	Previous Report	Change to Information
Assault/Hom Circ . . :		Other
Homicide Situation . :		MVic/1Offd
Just Homicide Circ . :		N/A
Just Homicide Code . :		N/A
Weapon Code 1 . . . . :	Handgun	Firearm

The following offense was added to this case.

Offense Number: 3
Crime Code: 0130A AGGRAVATED ASSAULT
Statute . : 784.045 Attempt/Commit : Committed

Location Type . : Bar/Nightc	Criminal Activity . : N/A
Occupancy Code : N/A	No. Premises Entered:
Type of Weapon : Firearm	Weapon Feature . . :
# Adults Present:	# Juveniles Present :
Entry Method . : NA	Entry Point . . . . . :
Exit Method . . : NA	Exit Point . . . . . :
Alcohol Related : No	Drug Related . . . . : No
Domestic Crime : No	Hate Crime . . . . . : No
Computer Theft :	Just. Homicide Code :
Hom/Ag Aslt Circmst :	Just. Circumstances :
Offense Code . . . . :	
Counterfeit/Forgery :	Count./Forg. Amount :
Statute ORI/Group . : S	Homicide Situation. :
Criminal Activity #2:	Criminal Activity #3:
Weapon Code #2 . . . :	Weapon Feature #2 . :
Weapon Code #3 . . . :	Weapon Feature #3 . :
Counterfeit/Larceny :	# of Counts . . . . . : 1
NCIC Code . . . . . . :	Scene/Location Type2:
Offense Date . . . . :	Victim Drug Related :
Victim Alchl Related:	Victim Comp Related :
Abandoned Structure : NO	Property Damage . . :

Tool Used . . . . . : Counterfeit Type . :
UCR Return A . . . : UCR Stolen Property :
Gang Related . . . : Additional Subcode :

Narrative Name: Case Narrative Supplement
RRU McCarthy/11258/07-01-2016/0915 hours/100 South Hughey Avenue

This supplement is being created to update this Homicide case, per the Homicide Supplement for UCR Reporting form received this date.

The unknown suspect is being corrected and the names of the 49 victims are being added at this time; starting with victim #6 through victim #54.

mm/11258/07012016/0915 hours

****

I Swear or affirm the above statements are correct and true.
(Signature)________________________

Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of _________,20____. ________________________
Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 48

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 49
Date Of Supplement: 07/04/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

INVESTIGATIVE SUPPLEMENT

The following changes, additions, or deletions were made.

What Changed	**Previous Report**	**Change to Information**
Number of Offenses . :	2	3
Number of Victims. . :	6	54

Narrative Name: INVESTIGATIVE NARRATIVE 7/4/2016 5:11 AM

On June 12,2016 at approximately 0204 hours, I, Officer Columbo 18967 responded to 1912 South Orange Avenue (Pulse Nightclub) in reference to an in progress shooting reference case number (2016-00242039).

Upon my arrival, I made contact with several victims. Some were bleeding and some sweating profusely. While assisting them I was exposed to blood and bodily fluids on my hands and arms.

I have notified the significant exposure hotline and spoke with an exposure nurse who addressed my exposure over the phone.

This report is for informational purposes only.

****

I Swear or affirm the above statements are correct and true.
(Signature)____________________
Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This_____Day of _______,20____. ____________________
Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 49

Case Number . . : 2016-242039
Page: 1
Supplement Number: 50
Date Of Supplement: 07/04/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

PRINCIPALS LIST

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Osc/Semino
Residence Status : Full Year
Statement Type. : Tape Stmt
Condition. . . . :
Extent of Injury: Serious
Medical Treatment:
Injury Type . . : Gunshot
Injury Type. . . :
Hospital/Clinic : ORMC
Transported By . : RuralMetro
Related Offenses: 3

The following subject was added to the case:

Victim : [redacted] [redacted] ( )
[redacted]
[redacted] [redacted] [redacted] ( )

[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] : [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]

Residence Type. : Orange Cty
Residence Status : Full Year
Statement Type. : Tape Stmt
Condition. . . . :
Extent of Injury: Unknown
Medical Treatment:
Injury Type . . : Unknown
Injury Type. . . :
Hospital/Clinic : ORMC
Transported By . : Police Veh
Related Offenses: 3

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Supplement Number: 50

Page: 2
Date Of Supplement: 07/04/2016

EVIDENCE COLLECTED INFORMATION

The following Evidence Information was added to this case.
[redacted] [redacted] [redacted]

The following Evidence Information was added to this case.
[redacted]

INVESTIGATIVE SUPPLEMENT

The following changes, additions, or deletions were made.

What Changed	**Previous Report**	**Change to Information**
Number of Victims. . :	54	56

Narrative Name: INVESTIGATIVE NARRATIVE 7/4/2016 5:29 AM

On 06/12/2016 I, Officer A. Coughlan (15958), responded to the area of S. Orange Avenue and Kaley Street in reference to a CNT callout for an active shooter at 1912 S. Orange Avenue (Pulse Nightclub). Upon arrival I was advised to respond to 1414 Kuhl Avenue (Orlando Regional Medical Center) to assist [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

I then assisted Detective T. Sprague (10088), Detective M. Hatcher (5966), and Detective B. Ferrara (12071) in obtaining further information from the victims` recovered property for identification of victims, and responded to the waiting room at the front of the hospital to assist other units with taking down information from family members awaiting the status of their loved ones.

This concluded my involvement in this incident.

****

I Swear or affirm the above statements are correct and true. (Signature)______________________	Officer Name/ID# (Print)
Sworn to and subscribed before me, the undersigned Authority,	

This______Day of ________,20____. ______________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 50

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 51
Date Of Supplement: 07/06/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: NARRATIVE SUPPLEMENT 7/6/2016 5:11 AM

On 6-12-2016 at 0202 hours I Officer Tabaczynski (13872) responded to the Pulse Night Club located at 1912 South Orange Avenue. The call was in reference to an active shooter incident.

I was one of the first officers to arrive on scene and heard active shooting coming from inside the club. I deployed my Orlando Police issued M-4 and moved with other officers to the south side of the building. One group of officers entered the building through the double doors on the south side as I coordinated a second group. Lt Smith (5581) who was part of the first group engaged the suspect with gunfire. Lt Smith then advised that the shooter was contained in a bathroom on the west side of the building. At that time I yelled to other officers outside the building that the shooter was contained and to start triage in the other parts of the club. I covered the hallway that led to the bathroom where the suspect was contained until I was relieved by SWAT.

We then heard via radio that there were shots fired at ORMC. I then got into the bed of a pickup truck with a group of officers and responded to ORMC. We cleared the lower levels of ORMC with the help of hospital security and found no evidence of active shooting or other suspects. I then returned to the Pulse Night Club scene.

Once SWAT breached the building and advised it was clear victims began to exit the building I used a stretcher and assisted other officers in removing more victims from the west side of the club to be transported to the hospital.

****

I Swear or affirm the above statements are correct and true. (Signature)________________________	Officer Name/ID# (Print)

Sworn to and subscribed before me, the undersigned Authority,

This______Day of ________,20____. ______________________________

Notary Public ☐ Law Enforcement Officer ☐ Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 51

Orlando Police Department 8.11
Supplement Report

Case Number . . : 2016-242039
Page: 1
Supplement Number: 52
Date Of Supplement: 07/07/2016

Date/Time Reported: 6/12/16 2:02 Hrs.
Location Occurred : 1912 S ORANGE AV
Reporting Officer : 15449 JEWELL,MICHELLE,R,
Primary Unit Assigned to Investigate: Homicide
Assigned Investigators:
8600 HAAS,CALDER,C,

Narrative Name: INVESTIGATIVE NARRATIVE 7/7/2016 7:41 AM

On 6/12/2016, I Officer McCreless 16287 was working in an Off-duty capacity when I heard `shot`s fired!` over the radio from an Off-duty officer working at Pulse Nightclub (1912 South Orange Ave). I immediately responded to the location to assist.

Upon arrival I parked about a block south of Pulse and responded to the south side of the building where I met with assisting units. I initially assisted in covering the south side of the roof of Pulse as we were unsure exactly where the shooter had gone and unsure whether there was roof access.

At one point, one victim was able to escape from one of the restrooms inside Pulse and exited from the south side exit. [redacted]

[redacted]

I then returned to the south side of Pulse and assisted in removing two bodies that were blocking one of the exits on the south side of Pulse. Both bodies were placed in the rear of a blue truck and moved to a separate location. I again returned to the south side of Pulse to assist until relieved by SWAT. I moved to the north side of Dunkin Donuts (2000 S Orange Ave.) in the parking lot with several other officers once relieved by SWAT.

At some point we were advised by Headquarters that SWAT was going to make entry along the west wall of Pulse. Several backboards and gurneys were acquired and brought over to our location. After SWAT made entry, I assisted as SWAT handed off the victims to us and we led / carried them to a safe area south of Dunkin Donuts on Orange Avenue.

While assisting with the victims I heard a radio transmission that sounded something like, `blue down,` so I ran back to the area of the wall as a SWAT officer was carried out and placed on the ground. He was quickly checked and I observed a large swollen area on his forehead between his eyes with a laceration. Then the same two officers grabbed the SWAT officer and I grabbed his vest and helmet and we went to the area of Orange Avenue and Esther Street to get the SWAT officer medical attention. The SWAT officer was put in the back of a truck and taken to receive medical treatment.

At this point, it appeared that all of the victims that could be helped were evacuated and the scene was in the process of being secured.

This concluded my involvement in the Pulse Nightclub incident.

Narrative Name: Property Receipt

Narrative Name: Property Receipt

Narrative Name: Property Receipt

Narrative Name: Property Receipt

Narrative Name: Property Receipt

Narrative Name: FDLE Lab Transmittal

Narrative Name: Miscellaneous

****

I Swear or affirm the above statements are correct and true.
(Signature)______________________________

Officer Name/ID# (Print)
____

Sworn to and subscribed before me, the undersigned Authority,

This______Day of _________,20____. ________________________________

Notary Public |_| Law Enforcement Officer |_| Emp# ____ Orlando PD

END OF SUPPLEMENT NUMBER 52

Appendix G: OPD Homicide Unit Supplemental Report

ORLANDO POLICE DEPARTMENT
HOMICIDE UNIT
SUPPLEMENT REPORT

CASE NUMBER 2016-242039

Date of Original Report: 6/12/16

VICTIM:	Mass Victims	DATE ASSIGNED:	6/12/16
OFFENSE:	Murder	FSS #:	782.04
UCR CODE:	090A	SUPPLEMENT DATE:	9/20/16
DISPOSITION CODE:	**23**	DATE CASE CLEARED:	6/12/16
METHOD OF NOTIFICATION:	In Person – By F.D.L.E.	DATE NOTIFIED OF DISPOSITION:	6/12/16

NARRATIVE:

On 6/12/16, at approximately 0404 hours, I, Detective Chris Haas (#8600), was on-call for the Homicide Unit when Sergeant Ian Berkman (#10145) contacted me regarding a mass shooting at Pulse nightclub located at 1912 S. Orange Avenue (Orlando, FL). I was told there were multiple deceased victims at the scene. I was told the suspect, later identified as Omar Mir Seddique Mateen (O/M – DOB: 11/16/86), was barricaded inside the club with hostages. I was assigned as the lead detective on the case, and Detective [redacted] was assigned to assist.

At approximately 0505 hours, I arrived at Kaley Street and Orange Avenue. The entire surrounding area was cordoned off by officers with the Orlando Police Department (O.P.D.), deputies with the Orange County Sheriff's Office (O.C.S.O.), and officers with several other assisting agencies. I briefly met with Lieutenant Daniel Brady (#10322), one of the on-duty O.P.D. watch commanders. Lieutenant Brady advised there were at least 20 deceased victims inside the main dance floor of the club. He also confirmed the suspect was still barricaded with hostages inside the club and was possibly wearing a bomb vest. I was told the S.W.A.T. Team had the suspect contained on the west side of the club inside one of the bathrooms. I was also told the O.C.S.O.'s Explosive Ordnance Disposal Team (Bomb Squad) was on scene assisting the S.W.A.T. Team. Lieutenant Brady directed me to the O.P.D. Command Post at Harding Street and Orange Avenue, approximately one block south of the crime scene.

When I arrived at the O.P.D. Command Post a few minutes later, there were dozens of apparent witnesses still on scene. A small group of witnesses/victims were being escorted by officers from the area of Pulse nightclub to our location. Some of these witnesses were crying and visibly upset. It was determined they had just been rescued from the bathrooms moments earlier by members of the S.W.A.T. Team.

One of the victims was a Hispanic male who was suffering multiple gunshot wounds. He was carried out to the street by two O.P.D. officers, an O.C.S.O. deputy, and a Belle Isle Police officer. The victim was placed in the backseat of a Belle Isle police vehicle and transported to the Orlando Regional Medical Center (O.R.M.C.). The Belle Isle Police officer, later identified as Brandon Cornwell, was wearing a body camera that captured the footage of this rescue. The footage was later turned over to my custody. The scene when I arrived was still extremely chaotic and active with an incredibly large police presence. For this reason, although I witnessed this rescue in person, I could not recall exactly which officers were involved. When I later reviewed the body camera footage, it showed K-9 Officer Manny Florin (#16152) and Officer Hector Vadi (#30887) were the two O.P.D. officers who assisted Officer Cornwell, but the footage did not clearly show the face of the O.C.S.O. deputy, just the patch on his uniform shirt.

Just as Officer Cornwell was leaving the scene with the above described shooting victim, I heard several gunshots, quickly followed by a barrage of gunfire coming from the Pulse nightclub. The sound of this gunfire was also captured on Officer Cornwell's body camera footage, as well as footage from several other body cameras. I found out a few minutes later the suspect was killed in an exchange of gunfire with members of the S.W.A.T. Team. Additionally, I found out one of the S.W.A.T. officers, later identified as Michael Napolitano (#18825), suffered a non-life threatening gunshot wound and was transported by officers to O.R.M.C. for treatment. I was told the crime scene itself was considered unstable due to information there may have been explosives in the building and possibly in a vehicle in the parking lot.

The Federal Bureau of Investigation (F.B.I.) and Florida Department of Law Enforcement (F.D.L.E.) sent agents directly to the scene. During the early stages of the investigation, I was told the F.B.I. would be taking over the criminal investigation regarding the mass murder of victims inside the Pulse nightclub and F.D.L.E. would be taking over the use of force investigation regarding the officer involved shooting.

Captain Tim Crews (#7480), the Commander of the O.P.D. Criminal Investigations Division (C.I.D.), was also on scene. He directed us to assist the F.B.I. and F.D.L.E. with interviews of witnesses. There were approximately 100 witnesses still on scene, so additional detectives were called in from O.P.D. and O.C.S.O. to assist with interviews. LYNX was notified and sent buses to the scene to transport witnesses back to O.P.D. headquarters. Detectives also responded to O.R.M.C. where they interviewed injured victims. A total of 88 audiotaped interviews were conducted by O.P.D. and O.C.S.O. detectives, and 62 sworn written statements were collected. Some of the witnesses gave both written and audiotaped statements. These statements were all later turned over to the F.B.I.

The purpose of this report is to document a specific timeline of events during the early morning hours of 6/12/16. The time frame examined will be from the initial shooting inside Pulse nightclub, to the final exchange of gunfire between the suspect and members of the S.W.A.T. Team, as well as the rescue efforts of the victims who were held hostage by the suspect. The timeline will be focusing on actions taken by responding patrol officers and deputies inside and outside the nightclub during the listed time frame.

Neither this report, nor the timeline, will be documenting the number of rounds fired by officers during the incident, the number of rounds fired by the suspect during the incident, what weapons were used, or the exact number of injured and deceased victims. Those facts will be investigated and documented by both the F.B.I. and F.D.L.E.

Due to the large number of officers and deputies involved in various aspects of this incident, I will not be documenting the action taken by each and every law enforcement officer involved. Most of the officers and deputies involved completed individual supplement reports. A total of 184 supplement reports were completed by officers from O.P.D., O.C.S.O., Belle Isle Police Department, Maitland

Police Department, Winter Park Police Department, Winter Garden Police Department, Oviedo Police Department, and the Seminole County Sheriff's Office.

Several other agencies responded to the incident, but any reports they generated were not turned over to the custody of O.P.D. A majority of the officers named in this report will be from O.P.D., but officers and deputies from other agencies who were captured on body camera footage playing a critical role in this incident will also be named, as much as possible.

In order to reconstruct an accurate timeline of events, an examination was made of all O.P.D. radio transmissions, body camera footage, dash camera footage, surveillance footage, and supplement reports from responding officers and deputies. Informal interviews were also conducted with several officers and deputies who played a critical role in the aftermath.

Following protocol regarding a Signal 43 (radio code: "Rush - Officer needs help"), a vast majority of responding O.P.D. officers went directly to the scene with little to no radio traffic. As a result, there is very limited information in the Computer-Aided Dispatch (C.A.D.) printout regarding arrival times for officers, and actions taken once they arrived on scene. Additionally, many of the responding officers and deputies could not recall, or did not recognize, the other law enforcement officers they worked with during the incident. This created a challenge in reconstructing the events.

Another challenge was the fact that most of the video footage (body camera footage, dash camera footage, and surveillance footage) was either not synchronized and/or accurately time stamped. The two exceptions were the O.C.S.O. Chase helicopter footage and the Seminole County Sheriff's Office Alert helicopter, both of which captured aerial footage of several aspects of this incident. The Chase helicopter footage was one second fast, and the Alert helicopter footage was one second slow, when compared to the O.P.D. computer/radio system. Each body camera video clip provided from O.C.S.O. was labeled using their start times, which were fairly accurate, but none of the video was date or time stamped.

There were 15 surveillance cameras inside and outside of the Pulse nightclub, only seven of which provided footage relevant to this report. None of the cameras displayed an accurate time, and they were not synchronized with each other. The cameras were anywhere between one hour and 12 minutes to one hour and 15 minutes behind the actual time. There was also no audio with any of the surveillance footage inside the club.

The F.B.I., which maintained custody and control of the Pulse surveillance footage, respectfully declined to provide O.P.D. with a copy for our records. The F.B.I. agents involved allowed my supervisor, Sergeant Jay Draisin (#12419), and myself to view the footage under supervision at their office. They gave us full access to the footage over a period of several days. We were allowed to take notes while watching the footage, but we were not allowed to take screen shots or otherwise copy the footage.

There were over 44 hours of body camera footage and over 13 hours of dash camera footage turned over to my custody from officers and deputies who responded to this incident. The agencies that provided body camera footage were O.P.D., O.C.S.O., Belle Isle Police Department, Edgewood Police Department, and Winter Garden Police Department. A smaller percentage of the body camera footage was from officers or deputies who actually entered the club. A majority were from officers or deputies who assisted outside the club or at the triage area.

As previously stated, most of the videos either had the wrong time, or no date and time stamp at all. In order to determine the exact time of significant events from the footage, I had to listen to radio traffic on the dash or body camera footage. Once a distinctive radio transmission was made in the footage, I was able to mark the exact time by listening to the actual radio traffic provided by the O.P.D. Communications Center. Each radio transmission was date and time stamped down to the 10th of a second the officer's mic was keyed up. Once the exact time of the radio traffic was marked, I was able to then determine the exact time of the significant event by calculating the time difference between the two. This process had to be done for every dash camera or body camera video with relevant footage.

Due to the above described challenges, the following timeline is an approximation. However, specific times listed in the timeline should be accurate within a matter of seconds. When I refer to the Signal 43, I am referring to the exact time when Orlando Police Detective Adam Gruler (#12897) first called out shots fired at Pulse nightclub. The exact time of Detective Gruler's first radio transmission, after the shooting began, was at 02:02:17 hours (2:02a.m. and 17 seconds).

The following is a timeline of the Pulse nightclub shooting and the subsequent aftermath. Included at the conclusion of the report is a diagram of Pulse nightclub and screenshots taken from footage of specific events referenced throughout the timeline.

TIMELINE:

0202 hours:

- Surveillance footage inside Pulse nightclub showed the suspect, armed with a military style rifle, entering the front parlor through the south entrance of the club. He immediately shot a patron who was standing inside the front parlor at the metal beaded door to the right.
- The suspect continued into the main dance floor where he continued firing rapid shots at victims inside the club.
- Detective Gruler immediately reported on Patrol East radio channel, "Shots fired, shots fired, shots fired!" The police dispatcher immediately broadcast a Signal 43 for Detective Gruler at an unknown location.
- 18 seconds later, Detective Gruler additionally reported, "Shots fired, 1912 S. Orange Avenue. Shots fired, multiple down!" Detective Gruler updated responding units with three more radio transmissions reporting additional shots being fired from inside the club. This series of radio transmissions by Detective Gruler were made during a period of one minute and nine seconds.
- During this time frame, dozens of patrons inside the club ran out into the parking lot and away from the scene. Surveillance footage from inside the club showed patrons exiting the double doors on the south side of the club, through the parlor and out the main entrance, through the patio on the east side, and into a fenced in hallway on the north side. Footage showed how one of the Pulse security employees, believed to be Neal Whitleton, was able to kick a hole in the fence allowing approximately 20 patrons to escape into the parking lot of the neighboring business to the north, Pro Tint and Detailing (1900 S. Orange Avenue).
- At one point, Detective Gruler witnessed the suspect shoot two victims just outside the double doors on the south side of the building. While taking protective cover behind a vehicle in the south parking lot,

Detective Gruler was able to fire several rounds at the suspect who was standing just inside the double doors and still firing multiple rounds inside the club.

0203 hours:

- Less than one minute and 20 seconds after the Signal 43 was called, Officer Connary Reynolds (#31298) arrived on scene as the first officer to back up Detective Gruler. Officer Reynolds parked his marked patrol vehicle on W. Esther Street on the south side of the Pulse nightclub and took cover behind a vehicle in the parking lot.

0204 hours:

- Approximately 20 seconds after Officer Reynolds arrived on scene, Detective Gruler reported, "We've got multiple down. I only have one officer here with me. I still have a subject inside continuing to shoot."
- 22 seconds later, Detective Gruler stated, "I need people here now guys!"
- Four seconds later, Officer James Hyland (#17447) advised over the radio he was almost 10-97 (arrival on scene).
- 19 seconds later (approximately two minutes and 31 seconds after the Signal 43), Officer Hyland arrived on scene as the second officer to back up Detective Gruler. Officer Hyland was driving an unmarked black Ford F150 pickup truck.
- Detective Gruler advised him over the radio, "Right there, right there, stop! He's in the patio!" Officer Hyland parked his truck at the east entrance to the Pulse nightclub parking lot on Orange Avenue just north of W. Esther Street. The patio Detective Gruler was referring to is on the east side of the Pulse nightclub facing Orange Avenue.
- Nine seconds later (approximately two minutes and 40 seconds after the Signal 43), Officer Ann Mislang (#18079) arrived on scene as the third officer to back up Detective Gruler.
- Officer Mislang's marked patrol vehicle was equipped with a dash camera that captured two witnesses running from the east side of the Pulse nightclub onto Orange Avenue. Detective Gruler can be seen taking cover behind a vehicle on the southeast corner of the Pulse nightclub parking lot. The sound of rapid fire gunshots, presumably from inside the club, can be heard on Officer Mislang's dash camera as her vehicle came to a stop. She parked on Orange Avenue right behind Officer Hyland's vehicle.

0205 hours:

- 17 seconds after arriving on scene, Officer Hyland, who was taking cover behind his pickup truck, reported over the radio, "He's still firing, he's still firing! We need more people here now! Multiple shots!"
- Officer Mislang's dash cam captured Detective Gruler, followed by Officer Reynolds, first running for cover behind Officer Hyland's truck, then running for cover behind Officer Mislang's vehicle (**page 21, photo 1**).
- Officer Reynolds continued around to the north side of the building and was able to monitor the north side of the nightclub in case the suspect tried to escape.
- Officer Hyland maintained cover behind his unmarked pickup truck and was able to monitor the south doors in case the suspect tried to escape.

- Detective Gruler can be seen and heard advising over the radio, "He has an assault rifle, he has an assault rifle!" This transmission is made three minutes and five seconds after the Signal 43 was called. Detective Gruler had three officers on scene backing him up, and the sounds of additional sirens approaching the scene can be heard on Officer Mislang's dash camera footage.
- 30 seconds after Officer Mislang arrived on scene, Detective Gruler can be seen in the footage firing a single shot towards the suspect, who is off camera inside the club **(page 21, photo 2)**. The sound of rapid fire gunshots can still be heard coming from inside the club.
- 12 seconds later (approximately three minutes and 32 seconds after the Signal 43 was called), Detective Gruler can be seen firing two additional shots towards the suspect inside the club. These are the last shots fired by Detective Gruler during the incident. The sound of rapid fire gunshots coming from inside the nightclub stopped, suggesting the suspect may have realized the police were outside and he moved to the back (west side) of the club.

0206 hours:

- Officer Richard Fink (#30041) and Officer Felix Monroig-Santiago (#11804) arrived on scene and parked their marked patrol vehicles on Orange Avenue behind Officer Mislang's vehicle.
- Approximately four minutes and six seconds after the Signal 43 was called, Detective Gruler can be heard on Officer Mislang's dash camera forming a team to enter the bar. Although he is out of camera view, his voice can be heard telling Officer Mislang to take the lead with her long gun. Officer Mislang, Officer Fink, and Officer Monroig-Santiago are all part of the team.
- Approximately four minutes and 39 seconds after the Signal 43 was called, Detective Gruler appeared back in Officer Mislang's dash camera footage. His gun is pointed toward the nightclub and he is heard yelling to his teammates, "Guys, approach. Let's go." He is then seen moving toward the east side of the Pulse nightclub. His teammates are presumably behind Officer Mislang's vehicle and are not seen on dash camera footage approaching the building.
- Less than five minutes after the Signal 43 was called, the team of four officers (Detective Gruler, Officer Mislang, Officer Fink, and Officer Monroig-Santiago) approached the east patio (Orange Avenue side) of the Pulse nightclub.
- At this point, based on surveillance footage inside the club, the suspect was moving back and forth between the main dance floor (just inside from the east patio) and the west bar area.

0207 hours:

- Approximately five minutes and 33 seconds after the Signal 43 was called, Lieutenant Scott Smith is seen on Officer Mislang's dash camera footage arriving on scene in his unmarked silver Ford Explorer police vehicle, parking on the corner of W. Esther Street and Orange Avenue.
- Within seconds of Lieutenant Smith's arrival, Officer Cornwell (Belle Isle Police Department) and O.P.D. K-9 Officer [redacted] can be seen arriving on scene on Officer Mislang's dash camera. As previously stated, Officer Cornwell was wearing a body camera. He parked his marked patrol vehicle facing north on Orange Avenue just south of Esther Street. K-9 Officer [redacted] parked his marked patrol vehicle facing south directly behind Lieutenant Smith's vehicle.

- Both officers exited their vehicles and moved to the south side of the Pulse nightclub. Additional officers who arrived on the south side of the club were K-9 Officer Manny Florin (#16152), Officer Ben Chisari (#18087), and Officer Napolitano.
- Behind Officer Mislang's vehicle and off camera, Sergeant Ira Morris (#10765) and Officer Doug Cote (#16904) arrived on scene and met up with officers just outside the patio on the east side of the club.
- Approximately five minutes and 38 seconds after the Signal 43 was called, the suspect is seen on surveillance footage running from the main dance floor, through the west bar area, and into the back bathrooms on the west side of the club where he stayed for the remainder of the incident.

0208 hours:

- Two separate teams were being formed to enter the club.
- Sergeant Morris, who had a ballistic shield, formed a team just outside the east patio. His team included Officer Cote, Officer Monroig-Santiato, and Officer Mislang.
- Detective Gruler and Officer Fink broke away and joined officers on the south side of the club.
- The second team, led by Lieutenant Smith, was formed on the south side of the club. His team included Sergeant [redacted] Officer Manny Florin, Officer Mike Napolitano, Officer Ben Chisari, and Officer Cornwell (Belle Isle P.D.).
- Sergeant Morris' team entered the east patio. Based on surveillance footage inside the club, this occurred approximately six (6) minutes and eight (8) seconds after the shots began (as patrons are first seen fleeing the patio).
- Sergeant Morris' team can be seen directing a patron out of from the main dance floor, through the patio out to Orange Avenue.
- Unbeknownst to the officers on scene, the suspect was now barricaded with hostages in the bathrooms on the west side of the club.

0209 hours:

- Officer Napolitano used his ASP baton to break out the glass of the large window on the south side of the club.
- Officer Michael Myles from Edgewood Police Department was also one of the first officers on scene. He took cover behind Detective Gruler's unmarked vehicle in the parking lot on the south side of the club.
- Officer Myles was wearing a body camera, which captured footage of Officer Napolitano shattering the large window. Based on the footage, this occurred approximately seven minutes and 17 seconds after the Signal 43 was called (**page 22, photo 3**).
- Once the glass window was shattered, officers were able to clearly see into the front parlor of the club.
- While in the front parlor facing north, there are two doors covered with metal beads that lead into the club. The metal beaded door on the left leads into the west bar area. The metal beaded door on the right leads into main dance floor.
- As Lieutenant Smith's team was breaching the parlor window, Sergeant Morris and his team moved from the east patio into the main dance room where they observed at approximately 35 to 40 injured and deceased victims laying on the floor.

- Officer Justin Wilkins (#30423), who was wearing a body camera, arrived on scene and went to the front of Orlando Fire Station 5 (1818 S. Orange Avenue) where six patrons from Pulse nightclub were in the parking lot. At least two of the patrons were suffering gunshot wounds.
- Sergeant Noelia Pina (#11767) and Officer Kelvin Vidro (#30422) were already on scene in the fire station parking lot assisting these victims. This was all captured on Officer Wilkins' body camera footage.

0210 hours:

- Lieutenant Smith and his team entered into the front parlor area on the south side of the club through the broken window (**page 22, photo 4**).
- A seventh officer, believed to be Officer Hyland, entered the club behind Lieutenant Smith's team. Once Lieutenant Smith's team was inside the main parlor area (**page 23, photo 5**), Officer Hyland separated and eventually moved into the main dance floor.
- Officer Mislang assisted a female bartender who had been hiding behind the patio bar since the shooting began approximately eight minutes earlier. The bartender, who was not injured, was directed out of the club and out to Orange Avenue.

0211 hours:

- Lieutenant Smith can be heard on radio transmissions taking charge of the incident. He maintained constant radio communication with other officers inside the club, as well as officers taking a perimeter position outside the club.
- Shortly after Lieutenant Smith's team entered the front parlor area, Officer Cornwell's body camera footage captured the sound of at least five additional shots being fired by the suspect further inside the club. This occurred approximately nine minutes and 30 seconds after the Signal 43 was called.
- Lieutenant Smith and his team moved quickly towards the sound of the gunshots, which led them into the west bar area. They immediately cleared a bathroom on the southwest corner of the bar.
- It became apparent to officers the suspect was barricaded in one of the bathrooms on the west side of the club, which were both at the end of a small hallway attached to the west bar.
- Lieutenant Smith and his team kept their firearms pointed at the hallway, but no additional shots were fired by the suspect (**page 23, photo 6**).

0212 – 0213 hours:

- Lieutenant Smith and his team maintained their position in the west bar, keeping the suspect pinned down in the west bathrooms.
- Video surveillance from the east patio of Pulse showed an additional unknown officer entering through the east patio and into the main dance floor where Sergeant Morris' team was located.
- Video surveillance from Pulse showed Detective Gruler and Officer Fink entering the south side of the club through the broken window into the front parlor.
- Body camera footage from several different body cameras showed multiple officers and deputies moving in and surrounding the nightclub in the south parking lot, the Orange Avenue side, and from the window tinting business to the north (**page 24, photo 7**).

0214 hours:

- Sergeant Morris and his team can be seen on Pulse surveillance footage assessing victims in the main dance floor. They eventually move around the main bar and out of camera view on the north side of the club.
- Two more officers, believed to be Officer Michael Ragsdale (#30750) and Officer Kyle Medvetz (#19552), are seen on surveillance video entering the main dance floor through the east patio.
- A large group of officers and deputies began converging on the club toward the east patio, as well as the south parking lot toward the main entrance.
- Inside the club, Officer Ragsdale and Officer Medvetz quickly located a group of approximately 22 patrons hiding in the bathroom on the southeast corner of the main dance floor. While Officer Medvetz provided cover, Officer Ragsdale extracted this group out of the club to awaiting officers outside the east patio (**page 24, photo 8**).
- Based on surveillance footage from the patio area and from footage from several body cams, it did not appear any of these patrons were injured (**page 25, photo 9**).

0215 hours:

- Orlando Police Officers [redacted] Joseph Imburgio (#19018), Daniel Robertson (#17291), and an unknown deputy entered the east patio and began assessing the scene.
- A male victim with a prosthetic leg was hiding behind a bar in the east patio. Officers quickly helped him out of the patio towards Orange Avenue.
- Approximately 30 seconds later, Officer Imburgio, Officer [redacted] and the unknown deputy entered the main dance room and began assessing injured victims laying on the floor.
- Officer Cote, who initially went in with Sergeant Morris' team, can now be seen on Officer [redacted] body camera footage helping victims in the main dance floor.
- The three O.P.D. officers (Cote, [redacted], and Imburgio) and the unknown O.C.S.O. deputy provided security for injured victims who could walk, and uninjured victims who were hiding or playing dead in the main dance floor.
- At least seven people in the main dance floor were quickly extracted out to toward the either the main entrance on the south side of the club, or through the east patio to awaiting officers and deputies.
- Lieutenant Roger Brennan (#7597), Sergeant Diego Toruno (#10956), Sergeant Kevin Beers (#13415), Officer Alison Clarke (#14159), Officer Neal Arnold (#30680), Officer Wilkins, several unidentified O.C.S.O. deputies, and assisting units formed a triage area on the east side of Einstein Bagels, 1901 S. Orange Avenue.
- Einstein Bagels is located at the southeast intersection of Orange Avenue and Kaley Street, diagonally across Orange Avenue from Pulse nightclub.
- In addition to injured patrons who were able to walk on their own from the club, the 22 patrons just extracted from inside the club were directed to the east parking lot of Einstein Bagels.
- Officer Wilkins' body camera footage showed officers corralling witnesses in the Einstein Bagels parking lot.
- O.C.S.O. Deputy Kevin O'Malley arrived on scene in the south parking lot. He was wearing a body camera, which showed footage of him assessing injured victims in the parking lot. Deputy O'Malley

made sure they stayed behind vehicles, for their own safety, while trying to gather intelligence from them regarding the shooter.

- At one point, there were patrons off camera trying to run back into the club. Deputy O'Malley was able to stop them and keep them safe outside in the parking lot.

0216 hours:

- The following officers formed a triage team on the south side of the club near the main entrance: Sergeant Joe Capece (#12608), Officer Michael Mislang (#18934), Officer Elizabeth Bethea (#19124), Officer Luke Austin (#18921), Officer Graham Cage (#17706), Officer Jeff Rine (#15633), Officer Rick Fink, K-9 Officer [redacted] and Officer Roberston.
- Officer Graham and Officer Rine were both wearing body cameras, which captured footage of officers securing the south entrance and forming a triage team (**pages 25 and 26, photos 10 thru 12**).
- Officer Robertson initially made entry through the east patio. Lieutenant Smith previously asked for him over the radio, so Officer Robertson came around the south side to assist units at that location.
- The above group of officers split into two teams, with one group providing security, while the second group acted as a triage team and extracted incapacitated victims.
- Officer Ragsdale and Officer Medvetz moved through the main dance floor toward the main entrance on the south side, where they joined the above listed triage team. Officer Ragsdale maintained security near the front lobby, while Officer Medvetz joined a group just outside the main entrance.
- Lieutenant Smith can be heard on the radio requesting Lieutenant Brennan get together a triage team and start removing injured victims from the club who are not ambulatory.
- During the same radio transmission, Lieutenant Smith asked the dispatcher to initiate a full S.W.A.T. call-out.

0217 hours:

- Lieutenant Smith and Sergeant [redacted] can be heard on several body cam videos firing shots. On video surveillance from inside the club, Sergeant [redacted] is off camera, but Lieutenant Smith can be seen firing shots.
- This occurred approximately 14 minutes and 56 seconds after the Signal 43 was called.
- On Officer Cornwell's body cam footage, Lieutenant Smith can be heard yelling "Show me your hands!" just prior to firing shots.
- Officer Cornwell was the closest officer with a body camera to this shooting. Several other officers had body cameras either just outside the south main entrance or inside the club in the main dance floor, all of which captured the sound of gunfire.
- Officer [redacted] body camera captured footage of himself and several officers assessing victims in the main dance floor when the above shots were fired. At that moment, these officers had no way of knowing whether it was other officers, the suspect, or possibly a second suspect, firing shots. Without hesitation, the officers continued assisting victims without regard for their own safety.
- Sergeant Lonzie Wellon (#14310), who was debriefing witnesses outside the club, obtained information there may have been a second shooter. Sergeant Wellon relayed this to other units over the radio.
- Video surveillance footage from inside the club showed there was only one suspect during the entire incident, but officers on scene had no way of knowing that at the time.

0218 hours:

- Officer [redacted] moved to the southwest corner of the main dance room and met up with Officer Hyland, who was already providing security inside the club.
- While Officer [redacted] provided cover, Officer Hyland grabbed an incapacitated male victim from next to the stage and pulled him through the main entrance. This was captured on Officer [redacted] body camera footage.
- Two female patrons who were also hiding next to the stage were able to get up and run out on their own through the south entrance. Neither of the two females appeared injured.
- While Officer Rine provided cover, Officer Fink grabbed an incapacitated female victim from the main dance floor and pulled her out through the main entrance. This was captured on Officer Rine's body camera footage.
- Over the following 10 minutes, officers and deputies began arriving inside the club and can be seen on surveillance footage checking pulses and pulling out at least 14 incapacitated victims from the main dance floor alone. These victims are mostly pulled out through the east patio, but several are pulled out through the main entrance on the south side.
- Officer Fink is seen on surveillance footage pulling at least two more incapacitated victims out from inside the club to the south parking lot.
- Surveillance footage inside the main dance floor shows other officers and deputies beginning to pull incapacitated victims out to the east patio to other units.
- Sergeant Keith Vidler (O.C.S.O.) can be seen on surveillance footage from the club, as well as footage from several different body cameras, taking charge inside the main dance floor. He is seen pulling several incapacitated victims out.
- Deputy Mark Rutkoski (O.C.S.O.) was wearing a body camera, which showed footage of him helping pull victims out of the main dance floor.
- O.C.S.O. Reserve Deputy Rob Knight can also be seen on surveillance and body camera footage checking pulses and assisting with removing incapacitated victims from the club.
- In addition to Officer Fink and Officer Hyland, there were several O.P.D. Officers who are seen on surveillance and body camera footage pulling incapacitated victims out of the club, including Officer Liz Bethea (#19124), Detective Michael Mastrangelo (#12274), and Officer Rine.
- As previously stated, not every officer or deputy who played a critical role will be listed, but the above named law enforcement officers were all identified on video.

0219 hours:

- Footage from several body cameras showed deputies and officers entering the east patio and grabbing incapacitated victims who were just extracted from the main dance floor and moving them across the street to Einstein Bagels.
- Officer Wilkins' body camera captured footage of officers beginning to carry injured victims into the Einstein Bagels parking lot from Pulse nightclub (**page 27, photo 13**).
- Unknown officers began CPR on one of the first victims brought to Einstein Bagels parking lot. This is not clearly captured on body camera footage, but Officer Wilkins can be heard talking about what he observes.

- Once the east parking lot of Einstein Bagels began filling up with injured victims, officers moved the uninjured witnesses to behind a wall that separates the north entry into the Wendy's parking lot and the east parking lot of Einstein Bagels.

0220 hours:

- The dispatcher asked Lieutenant Smith if he wanted just the S.W.A.T. Team called out, or did he also want the Crisis Negotiation Team (C.N.T.) and Emergency Services Unit (E.S.U.) called out.
- Lieutenant Brady advised the dispatcher this needed to be a full call out of all three teams.
- The dispatcher advised units on Patrol East that a 911 caller reported being barricaded inside a downstairs bathroom with the suspect.
- Ambulances and fire/rescue personnel were gathering at the triage area on E. Kaley Street just north of Einstein Bagels (**page 27, photo 14**).
- Body camera footage from Officer Wilkins and several O.C.S.O. deputies shows rescue personnel treating victims in the Einstein Bagels parking lot.
- The Communications Center initiated a full S.W.A.T., C.N.T., and E.S.U. call-out.

0221 hours:

- Lieutenant Smith asked the dispatcher to get as much intelligence as possible from the 911 caller about the suspect, what he looks like, what he is wearing, and the number of other victims barricaded in the bathroom.
- The dispatcher reported the 911 caller cannot advise any further details because the suspect is "right there."
- Lieutenant Smith asked the dispatcher to keep the caller on the line and make every effort to extract any information possible about the suspect.
- A male gunshot victim was able to escape from one of the west bathrooms and crawl out to the west bar. He was pulled out to the south parking lot by Officer Cage and Officer Hyland. This rescue was caught on body camera footage captured by Officer Cage, as well as Officer Jon Paul Gargano from Belle Isle Police Department.

0222 – 0223 hours:

- The 911 caller from inside the bathroom reported the suspect was reloading his firearm.
- Lieutenant Smith and the dispatcher communicate several times about the caller in the bathroom with the suspect. Information is obtained that there are numerous other hostages in the bathroom.
- There was continued communication over the radio between Lieutenant Smith and officers outside the club. He requested officers attempt to gather as much information as possible about the suspect from witnesses at the triage area.
- The triage area at Einstein Bagels was becoming crowded and chaotic with witnesses and injured victims. Officers and deputies were continuing to assist fire and medical personnel with the injured.

0223 – 0224 hours:

- Due to the large number of victims being brought out, coupled with the serious nature of their injuries, officers at Pulse decided to transport victims on their own. Officer Imburgio used Officer Hyland's unmarked pickup truck as a makeshift ambulance. He pulled the truck into the Pulse parking lot where Officer Vadi, Officer Myles, and other assisting units began placing victims in the bed.

- Officer Imburgio, Officer Vadi, and Officer Myles, made several trips to O.R.M.C., most of the time with at least two to three victims in the back. Officer Vadi and Officer Myles rode in the back with the victims during transport.
- When officers first arrived on scene, there were at least four gunshot victims laying unresponsive in the south parking lot. Those victims were also transported to O.R.M.C. by Officer Imburgio's team.
- Officer Gargano's body camera captured footage of several victims being loaded into the back of Officer Hyland's pickup truck.
- Approximately 42 victims were transported to the hospital as a result of the Pulse shooting, 40 to O.R.M.C., and two to Florida South Hospital. Officer Imburgio estimated that his team, along with assisting officers and deputies, transported approximately 20 to 25 gunshot victims to O.R.M.C.

0225 hours:

- Officer Cage, K-9 Officer [redacted] and Officer Dan Robertson, extracted a patron who was hiding inside the fenced in storage area just outside the double doors on the south side of the club.
- This was captured on Officer Cage's body camera footage.

0227 hours:

- Officer Cage and Detective Gruler, along with an unknown deputy, loaded an incapacitated female victim into the back of Officer Hyland's pickup truck.
- This was also captured on Officer Cage's body camera footage, as well as Officer Gargano's body camera footage.

0230 hours: An unidentified male, believed to be the suspect, called 911 and spoke in a foreign language, but quickly hung-up.

0232 hours:

- Sergeant Vidler and assisting units extracted five people who had been hiding in the kitchenette behind the main bar. This was captured on Officer Rine's body camera footage, as well as Pulse surveillance footage.
- Two of the five extracted from the kitchenette were injured and had to be carried out by officers and deputies. The other three were able to walk out on their own. They were moved out to the east patio to awaiting officers and deputies.

0235 hours:

- Sergeant Vidler and assisting units extracted six people who had been hiding in the upstairs office area above the main dance floor.
- This was also captured on Officer Rine's body camera footage and Pulse surveillance footage. They can be seen getting escorted across the main dance floor and out the east patio to awaiting officers and deputies.

- There was one female and five males. Three of the males were suffering apparent gunshot wounds. One of the injured males had to be helped out by two unknown deputies.
- Surveillance footage from inside the club showed Sergeant Vidler searching and clearing the office after the above six witnesses and victims were extracted.
- At that point during the incident, there were dozens of victims and witnesses still barricaded with the suspect in the west bathrooms. There were over 30 deceased victims inside the club, mostly in the main dance room.
- All other victims and witnesses were successfully extracted from the club by officers and deputies.
- Two victims were later pronounced deceased in the parking lot of Einstein Bagels. Nine more were later pronounced deceased at O.R.M.C.

0240 hours:

- The suspect called 911 and spoke English. He told the 911 operator that he "did the shooting in Orlando."
- When asked to identify himself, he refused. Each time he was asked, the suspect pledged allegiance to the Islamic State. The 911 call lasted 50 seconds.

0248 hours:

- Sergeant Andy Brennan (#7276) of C.N.T. called the suspect back and engaged in a conversation with him that lasted approximately six minutes (0248 to 0254 hours).
- During this conversation, the suspect suggested he was wearing a bomb vest. He also claimed there was a vehicle in the parked lot with explosives. Sergeant Brennan tried to obtain additional information, but the suspect refused to answer any more questions.

0250 hours: Both the O.P.D. Mobile Command Center (M.C.C.) and the C.N.T. Vehicle were enroute to the scene.

0252 hours:

- A 911 caller reported to the O.P.D. Communications Center that the suspect possibly had a bomb strapped to him.
- This was likely the 911 caller overhearing the conversation between the suspect and Sergeant Brennan.

0306 hours:

- A second male gunshot victim, who had been hiding in one of the west bathrooms, was able to crawl out to the west bar on his own volition. This was captured on video from inside Pulse nightclub.
- Officer Gargano's body camera footage captured members of the S.W.A.T. Team pulling the victim out of the club to awaiting officers in the south parking lot.

0307 hours: The above male gunshot victim was loaded into the back of Officer Hyland's unmarked pickup truck and transported to the nearby triage area.

0310 hours: Both the M.C.C. and C.N.T. Vehicle arrived on scene and posted in an open lot on Orange Avenue just north of Orlando Fire Station 5, located at 1818 S. Orange Avenue (northwest corner of S. Orange Avenue and W. Kaley Street).

0312 hours:
- Additional members of the S.W.A.T. Team began arriving on scene.
- Responding patrol officers and deputies had been maintaining security inside and outside the club since the rescue efforts first began over an hour earlier.
- As additional S.W.A.T. Team officers arrived, they slowly relieved the officers and deputies already on scene (**page 28, photos 15 and 16**).

0318 hours: Both the M.C.C. and the C.N.T. Vehicle were operational at the above location.

0342 hours: The S.W.A.T. Team rescued 4 male dancers who had been hiding in the north dressing room.

0403 hours:
- A Greater Orlando Aviation Authority (GOAA) K-9 Officer and his K-9 partner alerted on a vehicle, later confirmed to be the suspect's, parked at the auto tinting business next door to Pulse nightclub.
- O.C.S.O.'s Bomb Squad was just arriving on scene and was notified of this new development.
- Officers were directed to start another perimeter around the suspect's vehicle, being cautious of possible explosives.

0409 hours: A 911 caller again reported the suspect possibly had a bomb strapped to him.

0429 hours:
- A victim being held hostage inside the west bathrooms sent a text message to her brother advising the suspect was going to attach four bomb vests to hostages.
- The witness (victim's brother) relayed this information to Officer Brandon Rush (#30679), who then advised other officers on scene over the radio.
- Officer Rush walked this witness to the O.P.D. Command Post to provide additional intelligence for the S.W.A.T. Team.

0433 hours: Both the M.C.C. and the C.N.T. Vehicle moved from their original location (just north of S. Orange Avenue and W. Kaley Street) to the intersection of S. Orange Avenue and Harding Street.

0445 – 0450 hours:
- While the S.W.A.T. Team was working on rescuing victims in the two west bathrooms, they also learned of a group of employees and patrons hiding in a dressing room on the west side of Pulse, just north of the bathrooms.
- Members of the S.W.A.T. Team were able to jar the air conditioning unit loose. They directed the victims inside the west dressing room to pull on the air conditioning unit while the S.W.A.T. Team pushed on it.

- Once the unit was removed, S.W.A.T. officers pulled a total of 8 the victims out of the building through the hole in the wall.
- I could not find video footage of this happening, and the radio channel utilized by the S.W.A.T. Team does not record, so the exact time it occurred is unknown. The time listed was deduced from listening to 911 calls and radio traffic on Patrol East and Emergency Downtown.

0459 hours:

- The O.C.S.O. Bomb Squad was making final preparations to use an explosive charge to breach the west wall of the nightclub.
- Both O.C.S.O. Chase helicopter and Seminole County Sheriff's Office Alert helicopter were requested to break away from their orbit over Pulse and create a safe distance.

0502 hours:

- The O.C.S.O. Bomb Squad detonated the charge, but the wall was only partially breached.
- This was captured on Officer Gargano's body camera footage.
- The S.W.A.T. Team initially backed away.
- Within a few minutes, they examined the partial breach and realized the wall was thin enough to possibly utilize their armored vehicle to continue breaching the wall.

0508 hours:

- The S.W.A.T. Team's armored vehicle made its first attempt at breaching the west wall of Pulse nightclub.
- This was captured on Officer Gargano's body camera footage, which is approximately four hours and three seconds fast, when compared to the O.P.D. computer/radio system **(page 29, photo 17)**.
- The following timestamps are based on footage captured from Officer Gargano's body camera.

0509 hours: The S.W.A.T. Team can be heard on loud speaker telling the victims inside the bathroom to move away from the wall being breached.

0510 hours:

- Several S.W.A.T. officers move toward the breached wall and start assisting victims out of the south bathroom.
- The first two out are a male and a female. They were wet, apparently from a plumbing pipe bursting when the wall was breached, but they did not appear to be injured.

0511 hours:

- Five more victims were extracted from the south bathroom by the S.W.A.T. Team.
- The victims were all wet, and one had to be carried out by the S.W.A.T. Team to assisting officers. The others were able to walk on their own.

0512 hours:

- Additional victims were extracted from the bathrooms, but only one was captured on Officer Gargano's body camera footage. The victim was a female who was wet, and she appeared to be slightly injured. She was able to walk on her own, but she was limping and Officer Gargano escorted away from the scene.
- Although additional victims were being extracted, none of it was captured on body camera footage.
- A team of officers can be seen on Officer Gargano's body camera footage urgently carrying an injured victim away from the scene past Officer Gargano and the victim he is escorting. This team is likely K-9 Officer Florin, Officer Vadi, and an unknown deputy (as described at the beginning of the report).
- Officer Cornwell's body camera footage shows him joining this team and carrying the victim out towards the O.P.D. Command Post on S. Orange Avenue, along with the other victims who had just been extracted.

0513 hours:

- The O.C.S.O. Chase helicopter was orbiting over Pulse capturing FLIR footage of the S.W.A.T. Team pulling additional victims out through the breached west wall (**page 29, photo 18**).
- One of the victims was incapacitated and two S.W.A.T. officers can be seen dragging the victim away from the club to awaiting officers.

0514 hours:

- One of the S.W.A.T. officers can be seen on Chase helicopter footage using a battering ram to widen the hole on one of the walls.
- The helicopter footage, which is captured using it's Forward Looking Infrared (FLIR) camera, shows a large flash outside the west wall where the S.W.A.T. is gathered.
- At that same moment, the police dispatcher, who was still on the line with a 911 caller, advised shots were fired inside the north bathroom. The time displayed on the Chase footage at that moment was 05:14:46 (5:14a.m. and 46 seconds).
- A second large flash can then be seen outside the west wall. These two flashes were flash bangs deployed by the S.W.A.T. Team in response to the shots being fired by the suspect inside the bathroom.

0515 hours:

- On the Chase footage, at 05:15:23 hours (5:15a.m. and 23 seconds), the S.W.A.T. Team members can be seen engaging the suspect and firing numerous rounds along the west wall (**page 30, photo 19**).
- Officer Napolitano can be seen falling to the ground after being struck in the helmet with a shot fired by the suspect. He is quickly directed away from the scene by another S.W.A.T. officer.
- The Mobile Command Center also captured footage of the shooting (**page 30, photo 20**).
- Officer Gargano's body camera footage shows him at the O.P.D. Command Post with the victim he just escorted from the west bathrooms of Pulse (**page 31, photos 21 and 22**).
- Several shots can be heard in the distance, followed by a barrage of gunfire. His body camera footage captured the sound of the suspect and S.W.A.T. Team exchanging gunfire.

- Officer Gargano and several other officers ran toward the south side of Pulse nightclub. As they approach, at least three more victims are seen fleeing the nightclub, presumably from having just been rescued by the S.W.A.T. Team.
- One of the victims was injured and is seen on Officer Gargano's body camera footage being carried by officers away from the scene.

0516 hours:

- S.W.A.T. officers can be seen on Officer Gargano's body camera footage escorting Officer Napolitano from the scene.
- Detective Ed Michael (#12670), who is a member of S.W.A.T., and Officer Seth James (#12869), who is a member of E.S.U., can be seen sitting Officer Napolitano down behind a vehicle and assessing his injury (**page 32, photo 23**).

0517 – 0518 hours:

- Officers escorted Officer Napolitano out to S. Orange Avenue where he was loaded into the back of Officer Hyland's pickup truck before getting transported to O.R.M.C. (**page 32, photo 24**).
- An incapacitated victim can be seen on Chase helicopter footage being pulled from the breached wall by the S.W.A.T. Team and pulled away from the scene to awaiting officers.

0519 hours:

- Chase helicopter was orbiting over Pulse nightclub for several minutes while S.W.A.T. Team members continued to extract victims from the west bathrooms.
- Due to an obstructed view from the trees on the west side of club, there is only limited footage of the rescue efforts.

0523 – 0525 hours:

- Footage from Officer Gargano's body cam captured footage of him and a large group of officers moving into to assist the S.W.A.T. Team with victims who were just pulled from the breached wall of the west bathrooms (**pages 33 and 34, photos 25 thru 28**).
- Chase helicopter continued to orbit overhead, but was still only providing limited footage.

0526 hours:

- All of the remaining victims were extracted from the north bathrooms by the S.W.A.T. Team. A large group of officers and deputies moved in to escort the victims out to safety.
- Several victims were injured and needed to be transported away from the scene on stretchers.
- Although portions of this were captured on both Officer Cornwell's and Officer Gargano's body camera footage, it was still difficult to get an exact count of how many victims were removed by the S.W.A.T. Team.
- Based on the limited footage, there appeared to be approximately five (5) additional victims who were rescued from the north bathrooms.

- At least two of them were suffering gunshots wounds and were transported out of the scene in the back of unmarked pickup trucks. This was captured on footage from Officer Cornwell's body camera.

0527 hours:

- An announcement was made over the radio that all remaining victims had been rescued and Officers needed to back away from Pulse due to the threat of explosives.
- An estimated total of 18 victims were rescued from the west bathrooms by the S.W.A.T. Team. There were approximately 13 victims in the south bathroom who were rescued before the suspect was killed, and there were approximately 5 victims in the north bathroom who were rescued afterwards.
- The bomb threat continued for several hours until the F.B.I. was able to determine the scene was safe from explosives.

As previously stated, the primary focus of this timeline was to document the actions taken by responding patrol officers and deputies inside and outside the nightclub during the aftermath. The specifics regarding the number of rounds fired by officers during the incident, the number of rounds fired by the suspect during the incident, what weapons were used, or the exact number of injured and deceased victims will be investigated and documented by both the F.B.I. and F.D.L.E. respectively.

This report and timeline are for informational purposes only.

I swear/affirm the above statements are correct and true.

Signature

Calder C. Haas #8600

Detective's Name and Employee Number

Supervisor Approval

Sworn to and subscribed before me, the undersigned authority, this 20th day of September, 2016.

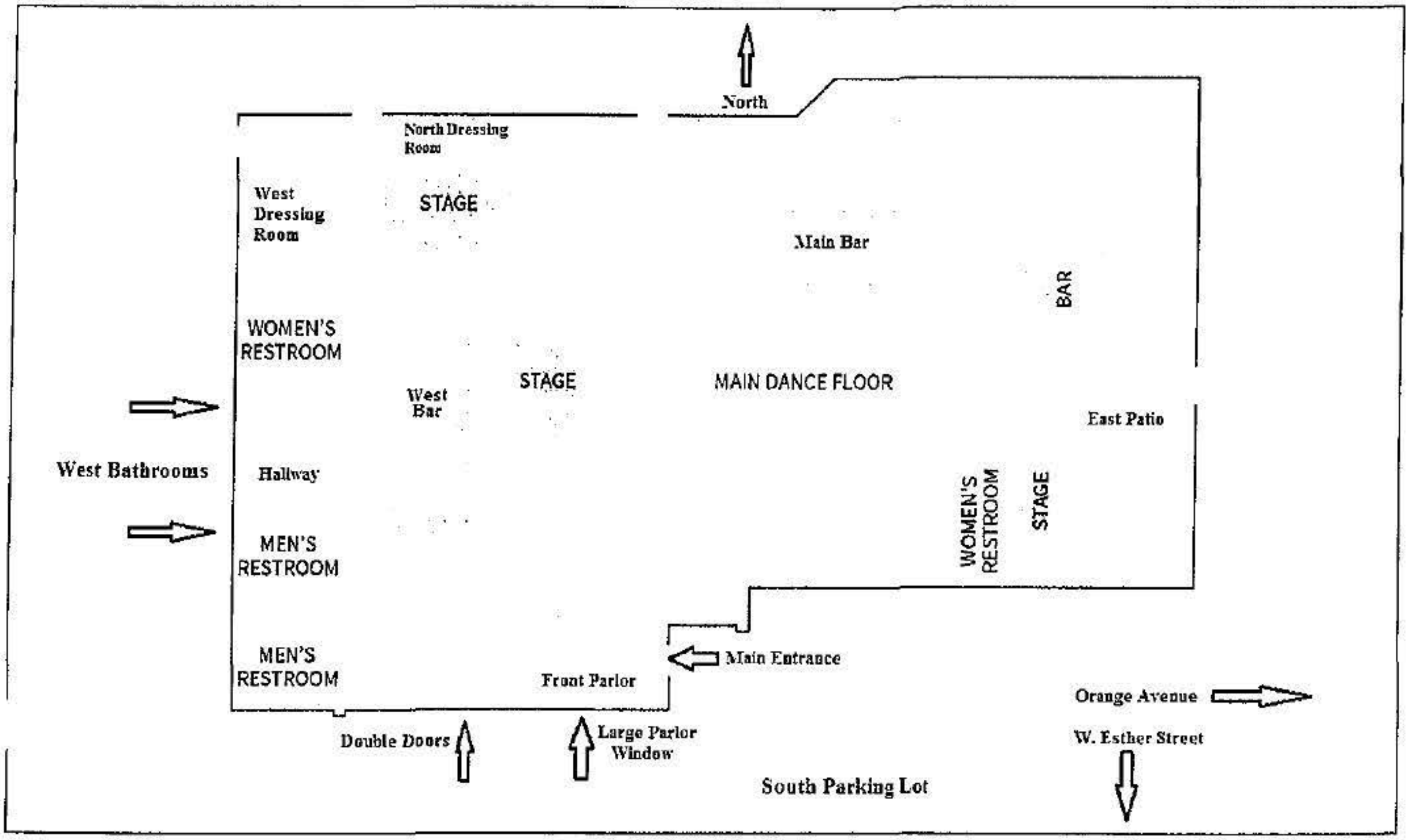
☑ Law Enforcement Officer
Orlando PD Emp. # 12419

☐ Notary Public

☐ Personally Known ☐ Produced Identification

Please see the following diagram and photos.

DIAGRAM OF PULSE NIGHTCLUB:


North
North Dressing Room
West Dressing Room
STAGE
Main Bar
BAR
WOMEN'S RESTROOM
STAGE
West Bar
MAIN DANCE FLOOR
East Patio
West Bathrooms
Hallway
WOMEN'S RESTROOM
STAGE
MEN'S RESTROOM
MEN'S RESTROOM
Main Entrance
Front Parlor
Orange Avenue
Double Doors
Large Parlor Window
W. Esther Street
South Parking Lot

(Not to scale)

- The main entrance on the south side of the club is where the suspect first entered and began firing shots.
- The double doors on the south side is where Detective Gruler first engaged the suspect.
- The east patio along Orange Avenue is where Detective Gruler engaged the suspect the second time.
- The large parlor window is where Officer Napolitano used his ASP baton to break the glass and gain entry.
- The main dance floor is where a vast majority of the victims were killed.
- The women's restroom attached to the main dance floor is where 22 patrons were found hiding after the shooting.
- The hallway near the west bar is where Lieutenant Smith and Sergeant [redacted] engaged the suspect.
- The north dressing room is where approximately 4 male dancers were rescued by the S.W.A.T. Team.
- The west dressing room is where approximately 8 employees and patrons were rescued by the S.W.A.T. Team.
- The west bathrooms are where the S.W.A.T. Team breached the wall and rescued an estimated 18 victims.

PHOTO TIMELINE:

The following photos are screenshots from footage taken during various aspects of the incident in the same order as the above timeline:

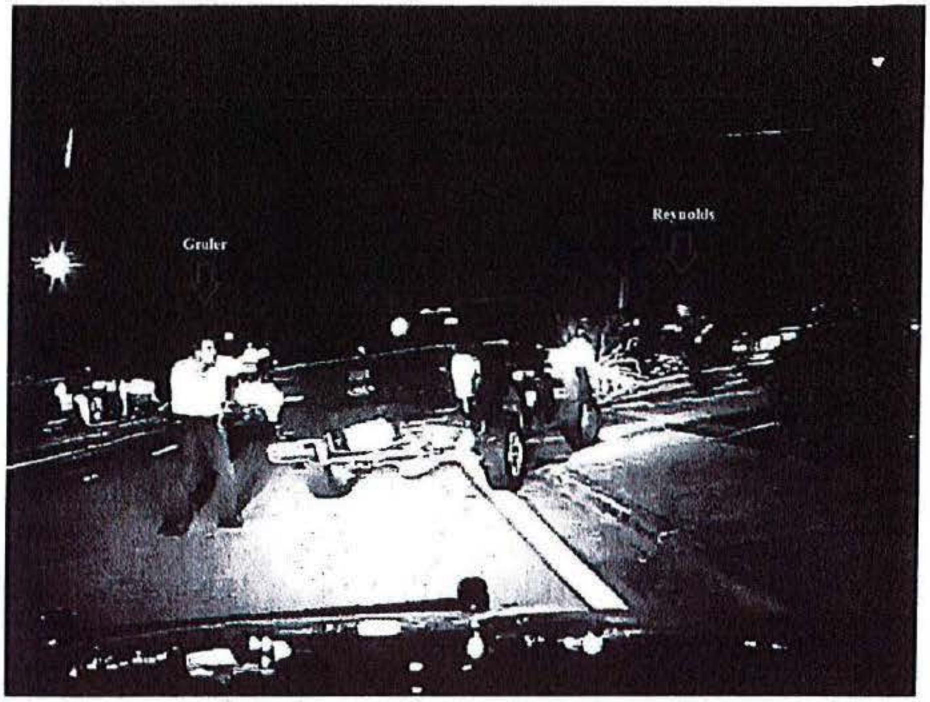


Photo 1:

Detective Gruler and Officer Reynolds taking cover behind vehicles during the first two minutes of the shooting.

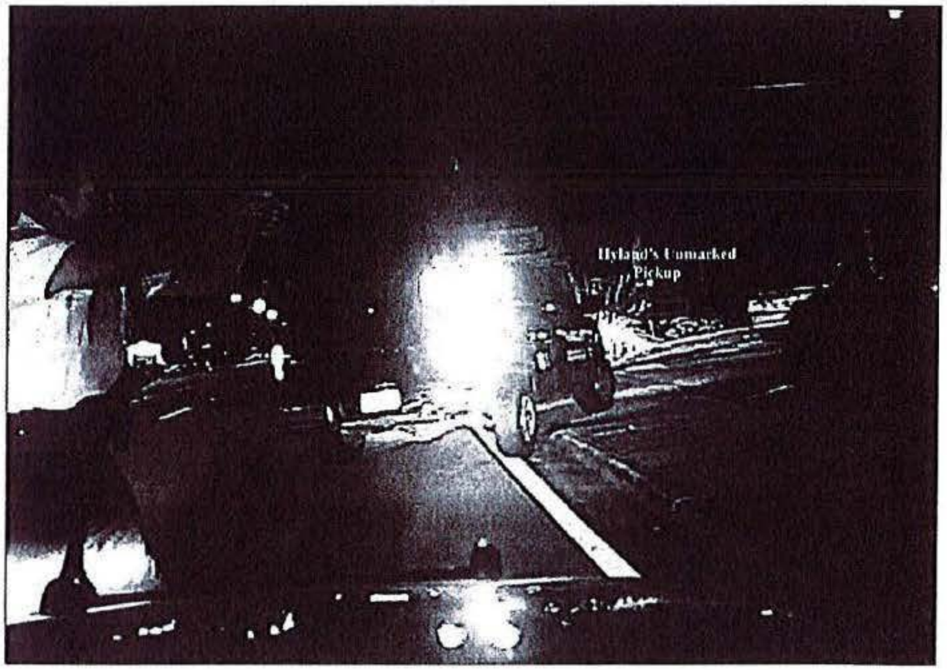


Photo 2:

Detective Gruler on Orange Avenue, in front of Officer Ann Mislang's vehicle, engaging the suspect inside the main dance floor, just past the east patio.

[redacted]

2016-06-12 T06:10:41Z
AXON BODY 2 X81020213

Photo 4:
Lieutenant Smith's team entering main parlor through broken front window.

[redacted]

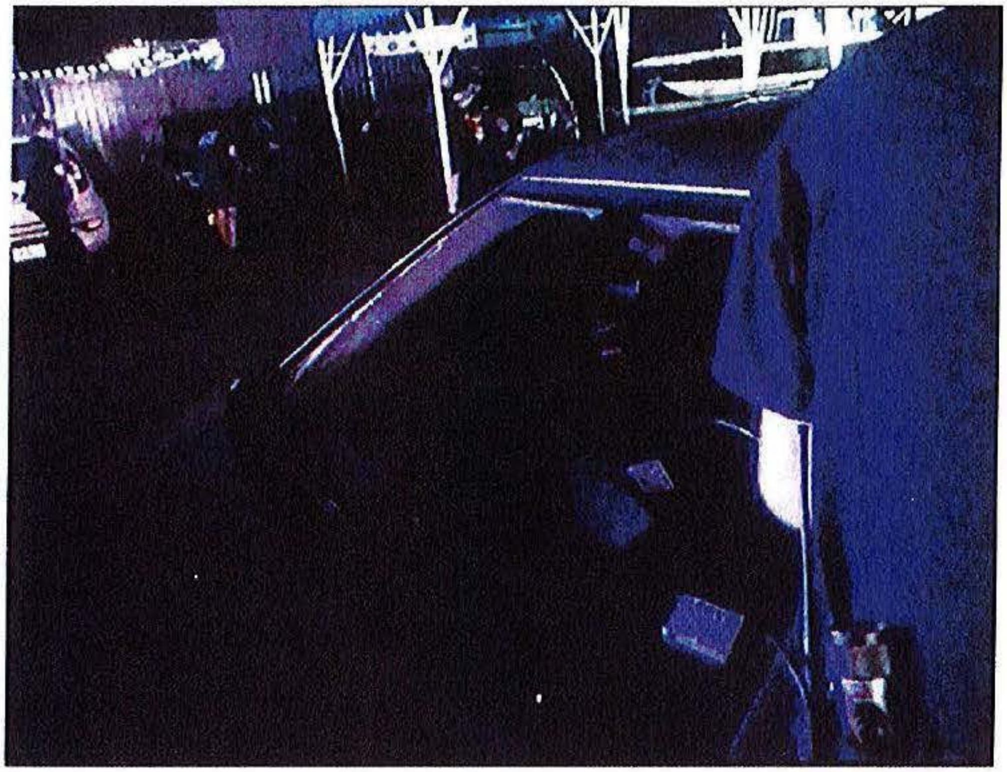


Photo 7:

Officers converging on Pulse from the north; setting up in the parking lot of Pro Tint and Detailing.

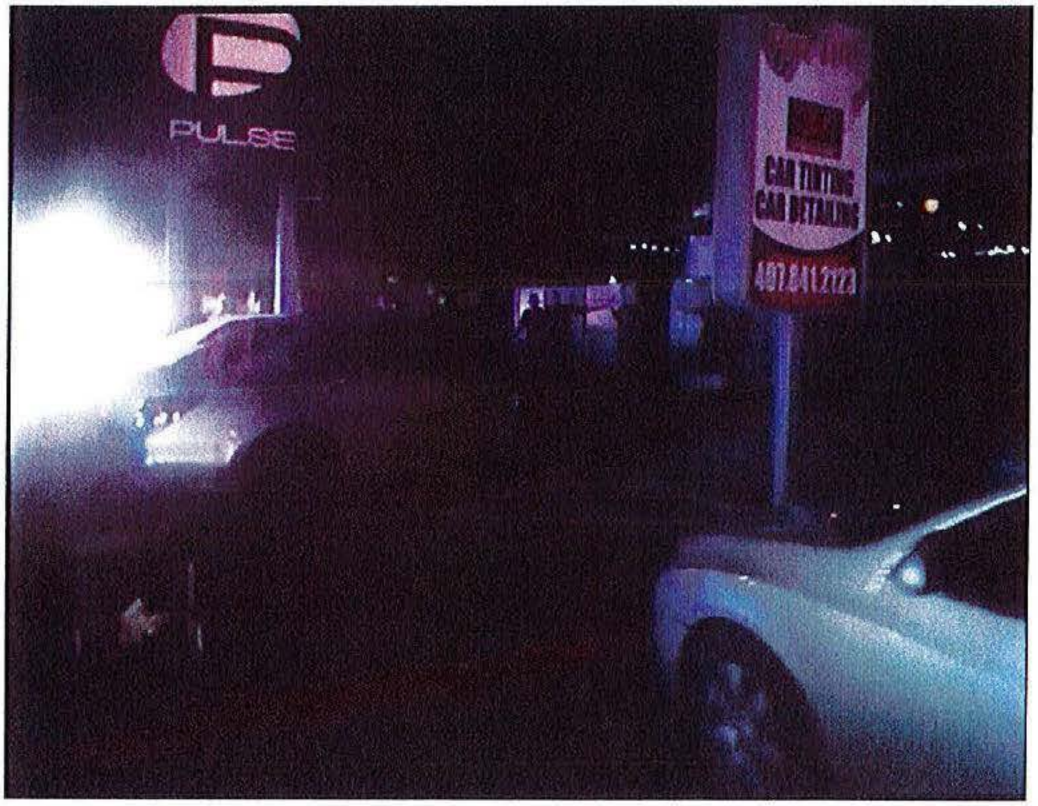

PULSE
CAR TINTING
CAR DETAILING

Photo 8:

Officers escorting the first of 22 patrons from the main dance floor, approx. 12 minutes after the shooting began.

Photo 9:

Additional photo of officers escorting 22 patrons out of the main dance floor through the east patio.

Main Entrance

Photo 10:

Officers beginning to secure the main entrance near the south parking lot just moments after the 22 patrons were escorted out the east patio.

ORLANDO
POLIC

Photo 11:

Officers forming a triage team on the south side of club.

Photo 12:

Triage team making entry through main door on south side of club.

Photo 13:

Officers on the east side of Einstein Bagels escorting an injured victim into the triage area.

Photo 14:

Law enforcement and medical personnel gathering on north side of triage scene.

Photo 15:

The S.W.A.T. Team arriving on scene and surrounding the south side of Pulse nightclub.

[redacted]

[redacted]

[redacted]

[redacted]

2016-06-12 T09:15:02Z
AXON BODY 2 X81021147
POLICE

Photo 21: Officers and witnesses gathering at Mobile Command Post during tail end of S.W.A.T. standoff.

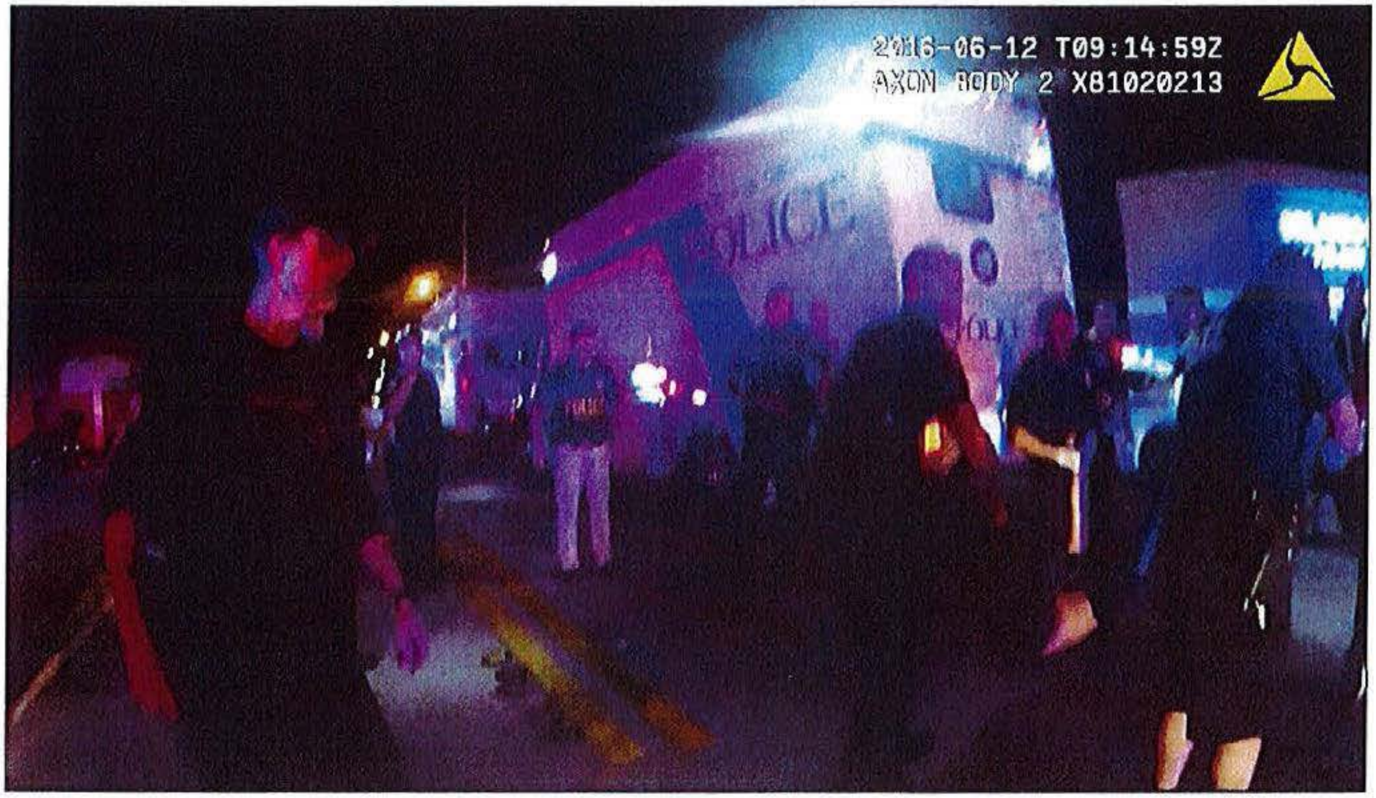

2016-06-12 T09:14:59Z
AXON BODY 2 X81020213

Photo 22: Officers carrying injured victim to Mobile Command Post during tail end of S.W.A.T. standoff.

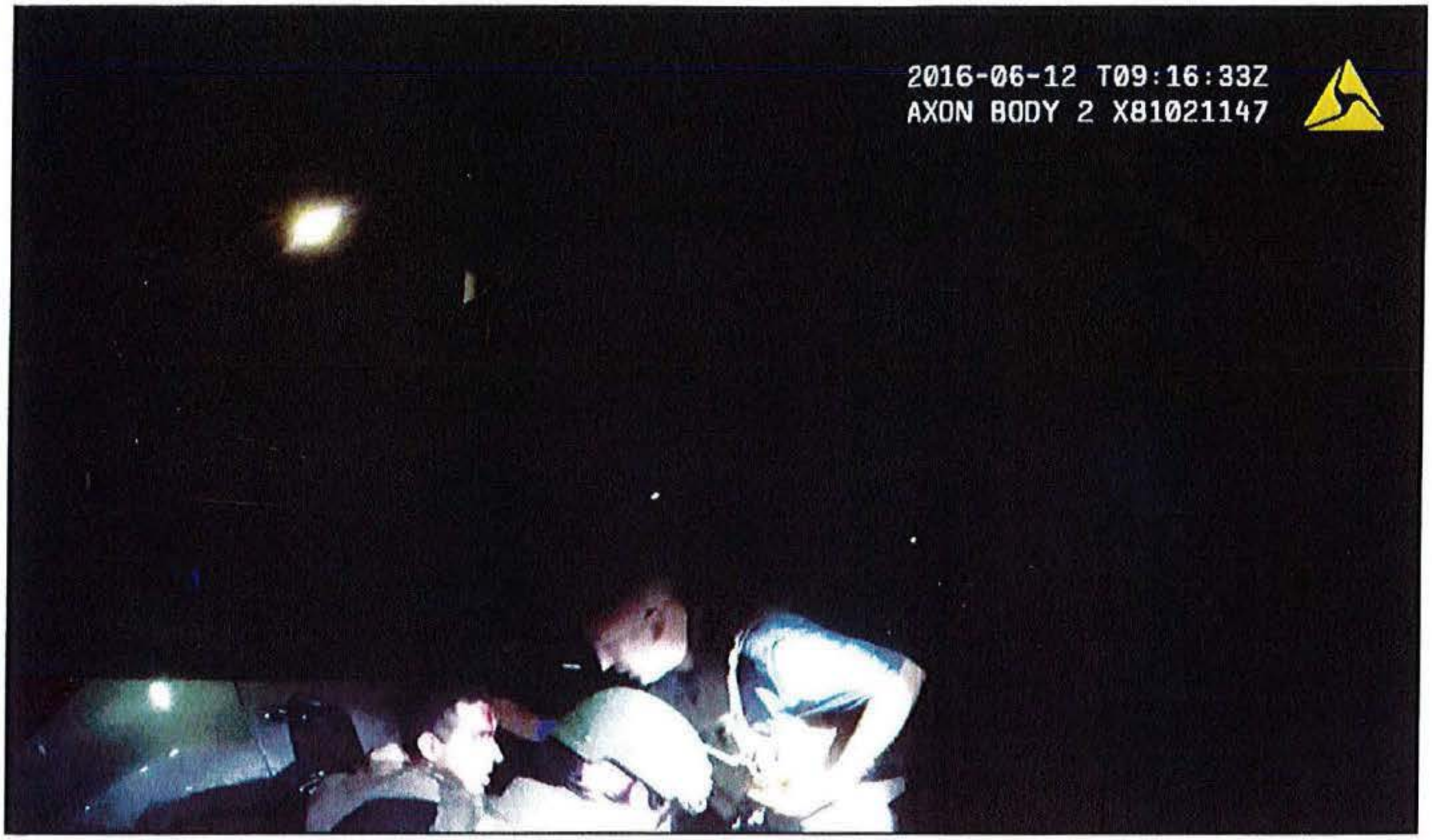

2016-06-12 T09:16:33Z
AXON BODY 2 X81021147

Photo 23: Officer Napolitano just moments after getting shot by the suspect.

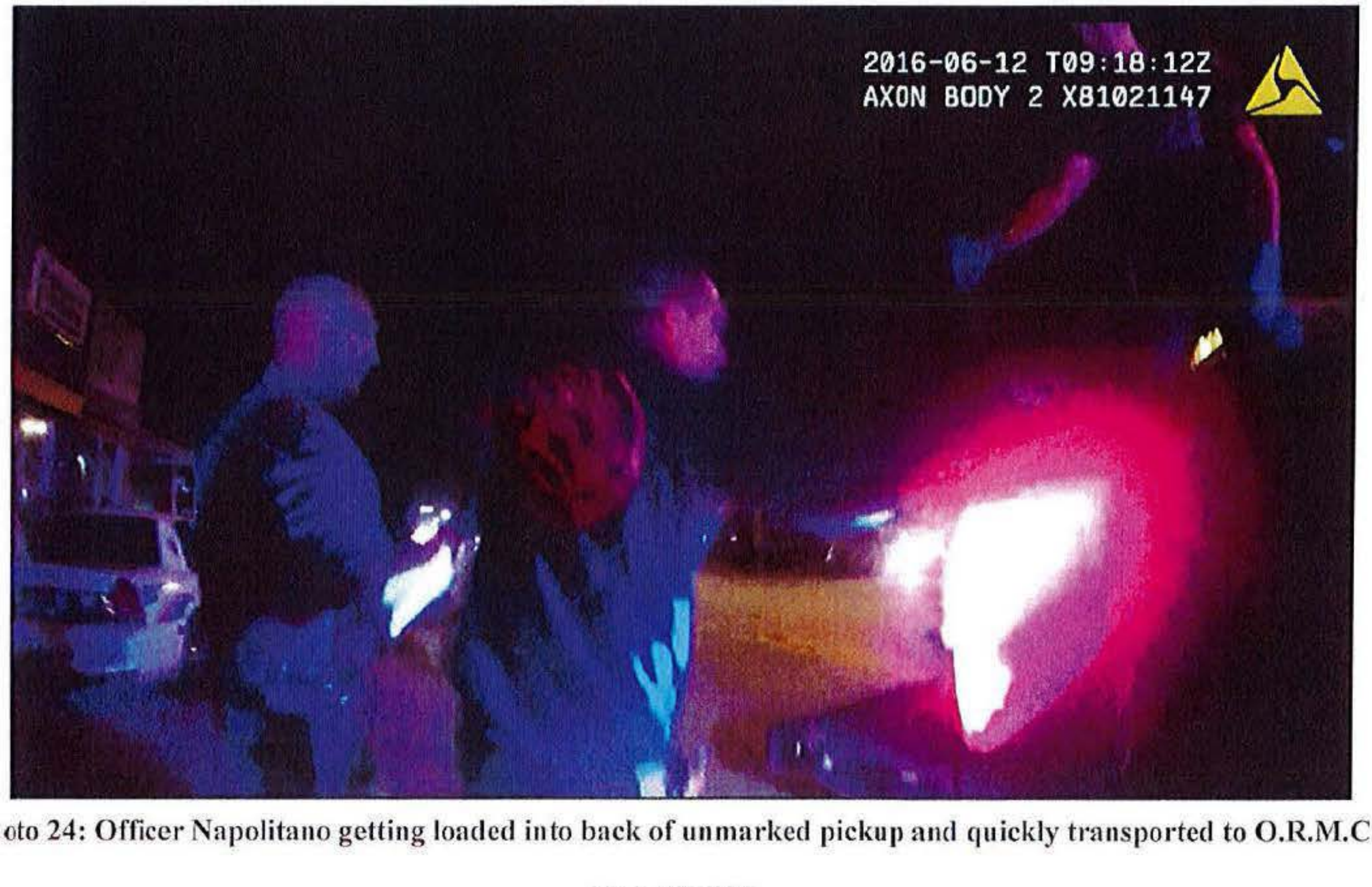

2016-06-12 T09:18:12Z
AXON BODY 2 X81021147

Photo 24: Officer Napolitano getting loaded into back of unmarked pickup and quickly transported to O.R.M.C.

2016-06-12 T09:23:22Z
AXON BODY 2 X81021147

Photo 25: Officers and S.W.A.T. Team at west wall preparing to rescue hostages after suspect was shot.

2016-06-12 T09:23:45Z
AXON BODY 2 X81021147

Photo 26: S.W.A.T. Team starting to remove victims from breached wall after suspect was shot.

2016-06-12 T09:24:18Z
AXON BODY 2 X81021147
POLICE
POLICE

Photo 27: S.W.A.T. Team continuing to rescue victims from breached wall after standoff suspect.

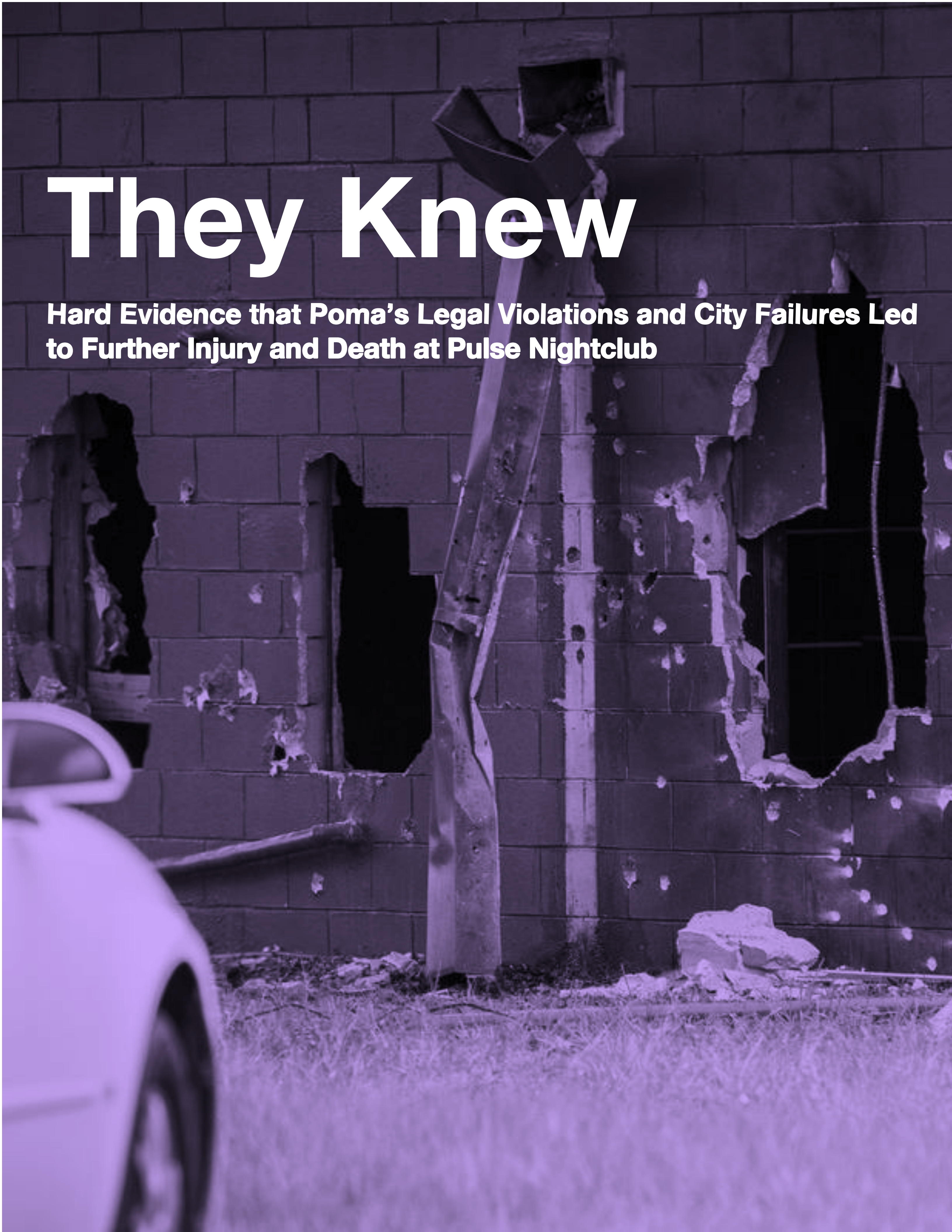
2016-06-12 T09:24:56Z
AXON BODY 2 X81021147
POLICE

Photo 28: Officers assisting the S.W.A.T. team with victim who was rescued after standoff with the suspect.

Appendix H: They Knew (May 2, 2020)

They Knew

Hard Evidence that Poma's Legal Violations and City Failures Led to Further Injury and Death at Pulse Nightclub



Summary

On June 12, 2016, a mass shooter entered the Pulse Nightclub in Orlando, Florida resulting in one of the deadliest mass shootings in the history of the United States with 49 murdered, 53 wounded, and around 200 additional documented survivors.

Public records obtained through individual public records requests and through the Pulse Tragedy Public Records website show that unpermitted renovations created an unsafe and life-threatening environment by (1) obstructing the escape of victims through building modifications that were constructed illegally without permits; and (2) preventing law enforcement and first responders from quickly accessing accurate building information and up-to-date building documentation during the response and rescue.

While the Orlando Sentinel reported on the unpermitted fence at the nightclub on July 30, 2016 and showed how the fence likely hindered escape, this reporting was incomplete.[1] There were many more significant permit issues and code violations.

These issues and violations are detailed in this report and include:

1. the unavailability of building plans to first responders during the three-hour long hostage situation, as law enforcement dealt with the chaos of navigating a dark building with limited layout information and an active shooter;

2. unpermitted renovations and building modifications done to the interior and exterior of the Pulse nightclub and left unchecked and unregulated by the City of Orlando;

3. a history of occupancy violations, public records, and survivor records show the nightclub was likely over capacity on the night of the shooting;

4. years of Pulse operating in violation of their conditional use permit, which allowed the business to operate as a restaurant and martini bar with strict written limitations and not as a nightclub/dance hall; and

5. other general failures in security and risk management.

In total, these records show that the Pulse owners Rosario Poma and Barbara Poma operated the nightclub illegally, in addition to making illegal business decisions that put the lives of their customers at risk.

Soon after the shooting, owner Barbara Poma launched the OnePULSE Foundation, which seeks to build a private memorial-museum complex in response to the mass shooting. As CEO of the foundation, Barbara Poma earned over $150,000.00 in 2019—being paid more money to date than any victim or survivor of the mass shooting, with many still paying out-of-pocket medical expenses incurred as a result of the shooting. After refusing to sell the Pulse Nightclub property to the City of

---

[1] https://www.orlandosentinel.com/news/pulse-orlando-nightclub-shooting/os-pulse-exits-fence-permit-20160723-story.html

Orlando for a 100% public memorial, Barbara Poma is using donations to make improvements to the property that she still owns.

To date, neither Pulse owners nor the City of Orlando have been held accountable for the gross negligence of their actions—and inactions. Instead, Barbara Poma continues to personally profit off of the mass shooting as an executive of the organization she started with the full support of local governments and city officials.

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Introduction

This report, “They Knew: Hard Evidence that Poma’s Legal Violations and City Failures Led to Further Injury and Death at Pulse Nightclub,” examines public records related to the Pulse nightclub in Orlando, Florida. It presents a clear history of unpermitted renovations, code violations, and other illegal/negligent business decisions that created unsafe conditions for Pulse patrons, as well as the actions and inactions of the City of Orlando that maintained these conditions. Evidence shows that these conditions hindered escape, impeded rescue, and led to increased injury and loss of life.

This report is organized into 5 topic-based sections and is meant to help concerned citizens, reporters, investigators, lawyers, and public officials navigate the plethora of records and contextualize the events surrounding the mass shooting that occurred on June 12, 2016 and resulted in 49 people murdered and 53 wounded by gunfire. These sections are outlined below:

Part I: Conditional Use Permit shows that Pulse operated illegally for years without the proper conditional use permit (CUP) as required by local zoning laws, even though it was cited multiple times for being in violation of its CUP. On July 15 2003, the Municipal Planning Board approved Pulse to operate as a restaurant and martini lounge—not as a nightclub, dance hall, or entertainment venue. Owners were told to remove the dance floor, that regular cover charges were prohibited, and of other requirements that were never met. The City of Orlando was aware of these violations, but never shut the business down despite ongoing complaints about the nightclub and recorded violations. The nightclub’s unpermitted renovations were also noted in public records as being in violation of its CUP and in 2010 the City contacted Rosario Poma about the issues, however, Pulse was never brought into compliance and operated out-of-compliance until the time of the mass shooting.

Part II: Unpermitted Renovations chronicles the conversion of an Italian restaurant (formerly, named Lorenzo’s and Dante’s) to the Pulse Ultra Lounge and Martini Bar. While the original renovations were permitted, Pulse owners Rosario Poma and Barbara Poma made subsequent changes to the building that were both unpermitted and against local zoning and building codes. These illegal renovations transformed both the interior and exterior of the building, particularly between 2009 and 2010. Records show that the Orlando Fire Department and Economic Development department (Including the Permitting Division) knew about the unpermitted work for over six years and failed to enforce local laws and bring the business into compliance. This section also provides records that show how these unpermitted renovations directly impeded both the escape of victims and the rescue of survivors.

Part III: Plans Availability builds off of the previous section and provides documentation that first responders did not have access to building plans during the active shooting, hostage situation, and rescue effort. Instead, at least two officers—Timothy Stanley and Luke Austin—relied on verbal information from hostages, an employee, and a person identified by police as the “owner of the club” to hand-draw the layout of the building. Officer Stanley drew the layout on “a wet piece of paper” while trying to figure out how to extract hostages from a dressing room. Another officer, who name was redacted from transcripts, said he never saw a layout of the building until the interview, which occurred days later as part of an OPD internal affairs investigation. Records also show that the current building plans were not posted inside of the building, nor were they ever recorded by the City of Orlando since no permits were ever pulled to remodel the nightclub. Thus, unpermitted renovations prevented first responders from obtaining accurate building plans from official sources.

Furthermore, emails indicate that city officials scrambled to locate Pulse's building plans in the days after the shooting, with Tisa Mitchell, Fiscal Manager of the Economic Development department, requesting a meeting to discuss why police did not have a layout of the building.

Part IV: Occupancy Violations documents Pulse's history of occupancy-related violations, as well as the written demands by the City of Orlando that required Pulse management to track the number of patrons entering and exiting the building at all times using a clicker counter. This clicker counter was never submitted to the FBI as evidence and the number on it was never reported. As of April 27, 2020, no one knows the exact number of Pulse survivors, as the organizations that have been tracking them all have different numbers. OPD Chief Mina stated that around 320 people were inside the club, however, this number was later disputed by the lawyer representing the Poma's as the nightclub had an occupant load limit of 300. Numbers provided to memorial design teams by the OnePULSE Foundation show the number of people in the club to have been 317—over the legal limit. In addition to exploring the evidence that suggests that the nightclub was over capacity on the night of the shooting, this section also shows the history of the nightclub being over capacity; representing nearly a decade of mismanagement and a fatal business practice that put profits over people's safety.

Part V: Security and Risk Management catalogues the documents that pertain to security at Pulse and other issues related to risk management, including fire code incidents that illuminate other issues at the nightclub and records of blocked/locked doors on the night of the shooting that call into question attempts to discredit early reports of blocked exits.

Research for this report was conducted using public records. While many were accessed through records released by the City of Orlando,[2] others were obtained through individual records requests. These requests were informed by interviews and conversations with survivors, victims' families, former Pulse employees, and local residents, as well as by following the trail of documents that were already available. We began going through the available public records in August 2019 and began requesting additional records in October 2019. Secondary sources were also used and are cited within this report. These include police reports, investigative reports, and news articles.

Pulse owners, Rosario Poma and Barbara Poma, are currently being sued by Pulse shooting survivors and families for security negligence and the illegal transfer of the Pulse nightclub property. Despite this lawsuit, Barbara Poma has been allowed to launch and be a paid executive of a non-profit organization that uses the deaths of mass shooting victims to raise money for a private memorial-museum complex. In addition, Barbara Poma and the OnePULSE Foundation has been celebrated, receiving millions of dollars of taxpayer funds and the ardent support of Orlando Mayor Buddy Dyer, whose office knew about the nightclub's permitting issues. In addition, the mayor's office made false and unsubstantiated claims, including the claim that unpermitted renovations did not "pose a threat to life" (see *2.15 The Orlando Sentinel Reports on Exits and the Unpermitted Fence* and *2.20 City of Orlando's Q&A*).

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[2] https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records

Part I: Operating in Violation of Conditional Use Permit

1.1 CUP2003-00012: Approval for Restaurant and Martini Bar

Due to the codes and ordinances of the State of Florida, City of Orlando, and all other applicable regulatory agencies, a conditional use permit (CUP) was required to open Pulse as a martini bar and restaurant in which alcoholic beverage sales would make up over 49-50% of its revenue. The location of the business was within 1,000 feet of a church and adjacent to a residential neighborhood. The Municipal Planning Board conditionally approved Pulse's conditional use permit (CUP2003-00012) on July 15, 2003.

As part of the conditional use permit:

1. Cover charges and entry fees were only allowed to be collected on an occasional basis for special events such as live entertainment (see pages 2 and 7of the following agenda). The agenda states, "To ensure that the establishment remains and does not become a full or part-time entertainment establishment, cover charges and entry fees may only be collected on an occasional basis for special events such as live entertainment."

2. Pulse (previously Dante's and Lorenzo's Italian Restaurant) would operate as a martini bar and restaurant, with over 49% of sales being from alcoholic beverages.

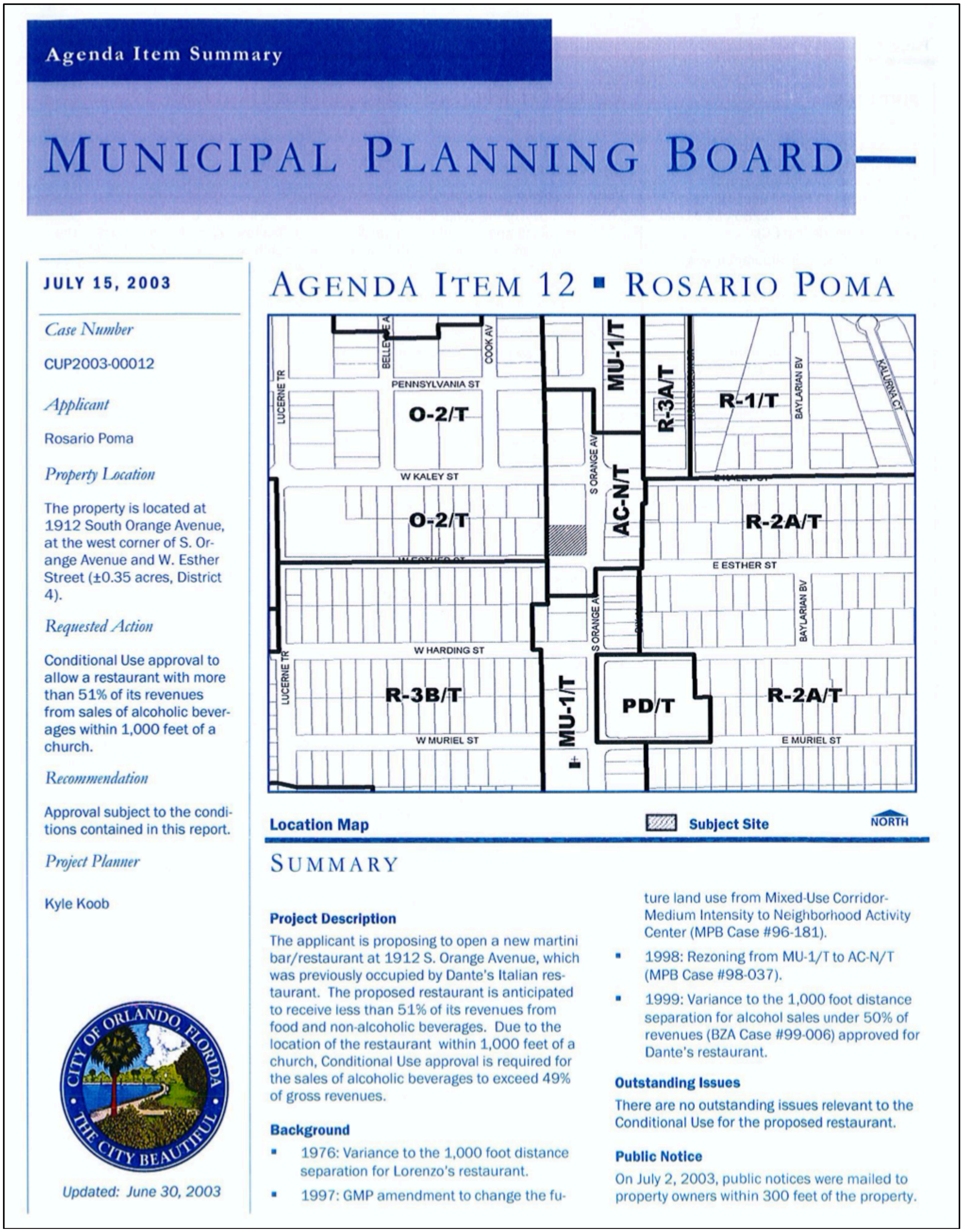
3. A nightclub/dance hall is a separate designation under city code and Pulse was not approved to operate as such (see *1.3 Email from Jason Burton*).

4. Owner, Rosario Poma, expressed interest in expanding the existing patio (see page 4 of the agenda), but an expanded patio was never approved. Mr. Poma ended up expanding the patio years later without pulling permits and in violation of city codes;

5. On page 6 of the Municipal Planning Board Agenda are the floor plans that were approved by the Municipal Planning Board, which does not reflect how the building's layout appeared on June 12, 2016—the date of the shooting. The interior of the building was modified significantly without permits or city approvals (see *Part II: Unpermitted Renovations*). The City even asked Rosario Poma to remove the dance floor (see *1.5 Letter from Dean Grandin*), but failed to enforce city laws even after numerous inspections throughout the years;

6. Rosario Poma provided a menu with the application, which can be seen in the agenda that follows. Food, however, was not served at Pulse. There was never a full-service kitchen and the unpermitted "kitchenette" that was present at the time of the shooting was used as storage for the bar according to first responders. This is documented in transcripts from an internal investigation conducted by the Orlando Police Department (OPD) in June 2016, as well as in photos taken in the aftermath of the shooting.

The Municipal Planning Board agenda from July 15, 2003 is provided on the following page. It documents the details and stipulations of the approved CUP for Pulse as detailed above. This document was obtained through the records released by the City of Orlando on the Pulse Tragedy Public Records page.



Agenda Item Summary

MUNICIPAL PLANNING BOARD

JULY 15, 2003

Case Number

CUP2003-00012

Applicant

Rosario Poma

Property Location

The property is located at 1912 South Orange Avenue, at the west corner of S. Orange Avenue and W. Esther Street (±0.35 acres, District 4).

Requested Action

Conditional Use approval to allow a restaurant with more than 51% of its revenues from sales of alcoholic beverages within 1,000 feet of a church.

Recommendation

Approval subject to the conditions contained in this report.

Project Planner

Kyle Koob

Updated: June 30, 2003

AGENDA ITEM 12 ▪ ROSARIO POMA

Location Map ▨ **Subject Site** NORTH

SUMMARY

Project Description

The applicant is proposing to open a new martini bar/restaurant at 1912 S. Orange Avenue, which was previously occupied by Dante's Italian restaurant. The proposed restaurant is anticipated to receive less than 51% of its revenues from food and non-alcoholic beverages. Due to the location of the restaurant within 1,000 feet of a church, Conditional Use approval is required for the sales of alcoholic beverages to exceed 49% of gross revenues.

Background

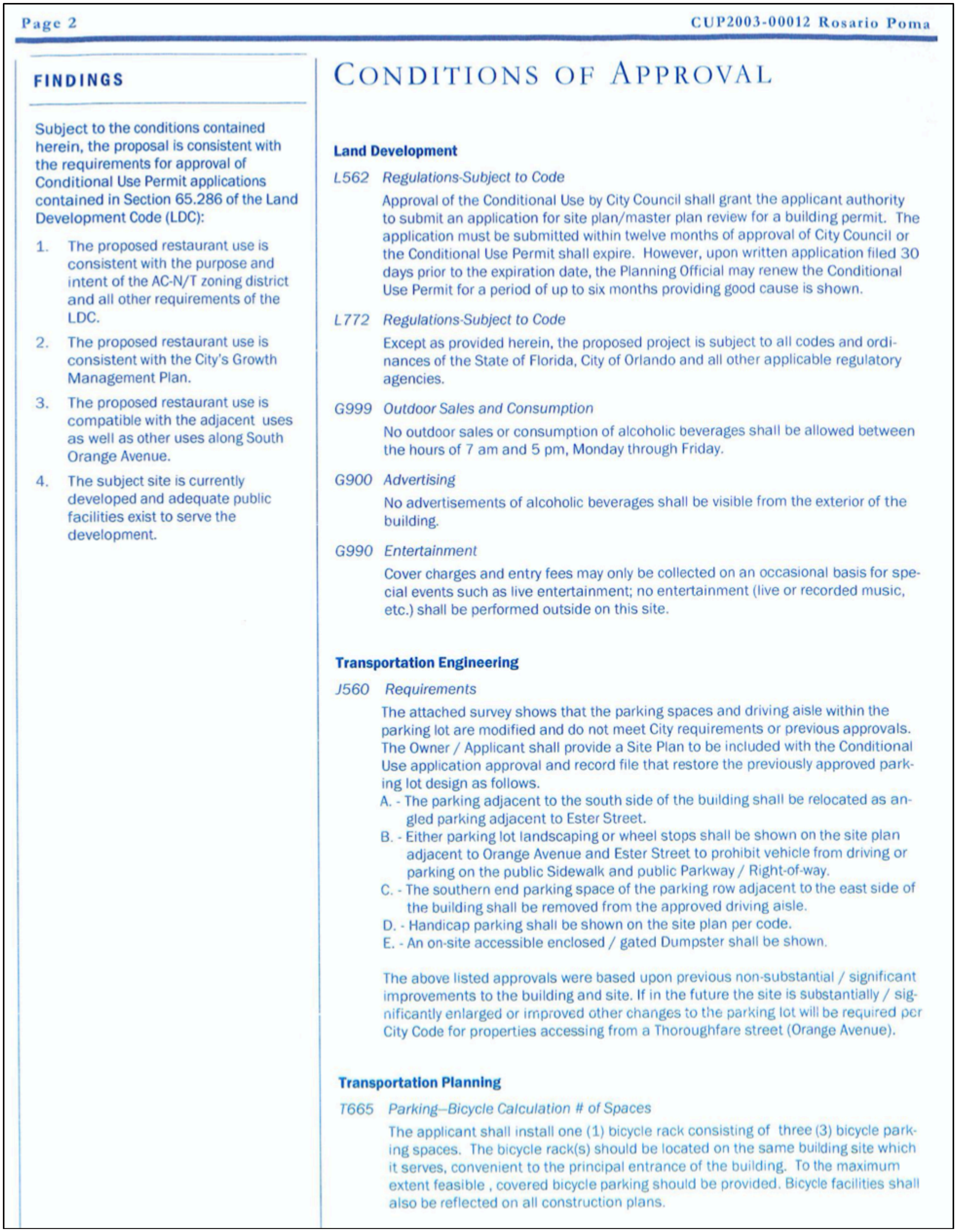
- 1976: Variance to the 1,000 foot distance separation for Lorenzo's restaurant.
- 1997: GMP amendment to change the future land use from Mixed-Use Corridor-Medium Intensity to Neighborhood Activity Center (MPB Case #96-181).
- 1998: Rezoning from MU-1/T to AC-N/T (MPB Case #98-037).
- 1999: Variance to the 1,000 foot distance separation for alcohol sales under 50% of revenues (BZA Case #99-006) approved for Dante's restaurant.

Outstanding Issues

There are no outstanding issues relevant to the Conditional Use for the proposed restaurant.

Public Notice

On July 2, 2003, public notices were mailed to property owners within 300 feet of the property.



FINDINGS

Subject to the conditions contained herein, the proposal is consistent with the requirements for approval of Conditional Use Permit applications contained in Section 65.286 of the Land Development Code (LDC):

1. The proposed restaurant use is consistent with the purpose and intent of the AC-N/T zoning district and all other requirements of the LDC.
2. The proposed restaurant use is consistent with the City's Growth Management Plan.
3. The proposed restaurant use is compatible with the adjacent uses as well as other uses along South Orange Avenue.
4. The subject site is currently developed and adequate public facilities exist to serve the development.

CONDITIONS OF APPROVAL

Land Development

L562 Regulations-Subject to Code

Approval of the Conditional Use by City Council shall grant the applicant authority to submit an application for site plan/master plan review for a building permit. The application must be submitted within twelve months of approval of City Council or the Conditional Use Permit shall expire. However, upon written application filed 30 days prior to the expiration date, the Planning Official may renew the Conditional Use Permit for a period of up to six months providing good cause is shown.

L772 Regulations-Subject to Code

Except as provided herein, the proposed project is subject to all codes and ordinances of the State of Florida, City of Orlando and all other applicable regulatory agencies.

G999 Outdoor Sales and Consumption

No outdoor sales or consumption of alcoholic beverages shall be allowed between the hours of 7 am and 5 pm, Monday through Friday.

G900 Advertising

No advertisements of alcoholic beverages shall be visible from the exterior of the building.

G990 Entertainment

Cover charges and entry fees may only be collected on an occasional basis for special events such as live entertainment; no entertainment (live or recorded music, etc.) shall be performed outside on this site.

Transportation Engineering

J560 Requirements

The attached survey shows that the parking spaces and driving aisle within the parking lot are modified and do not meet City requirements or previous approvals. The Owner / Applicant shall provide a Site Plan to be included with the Conditional Use application approval and record file that restore the previously approved parking lot design as follows.

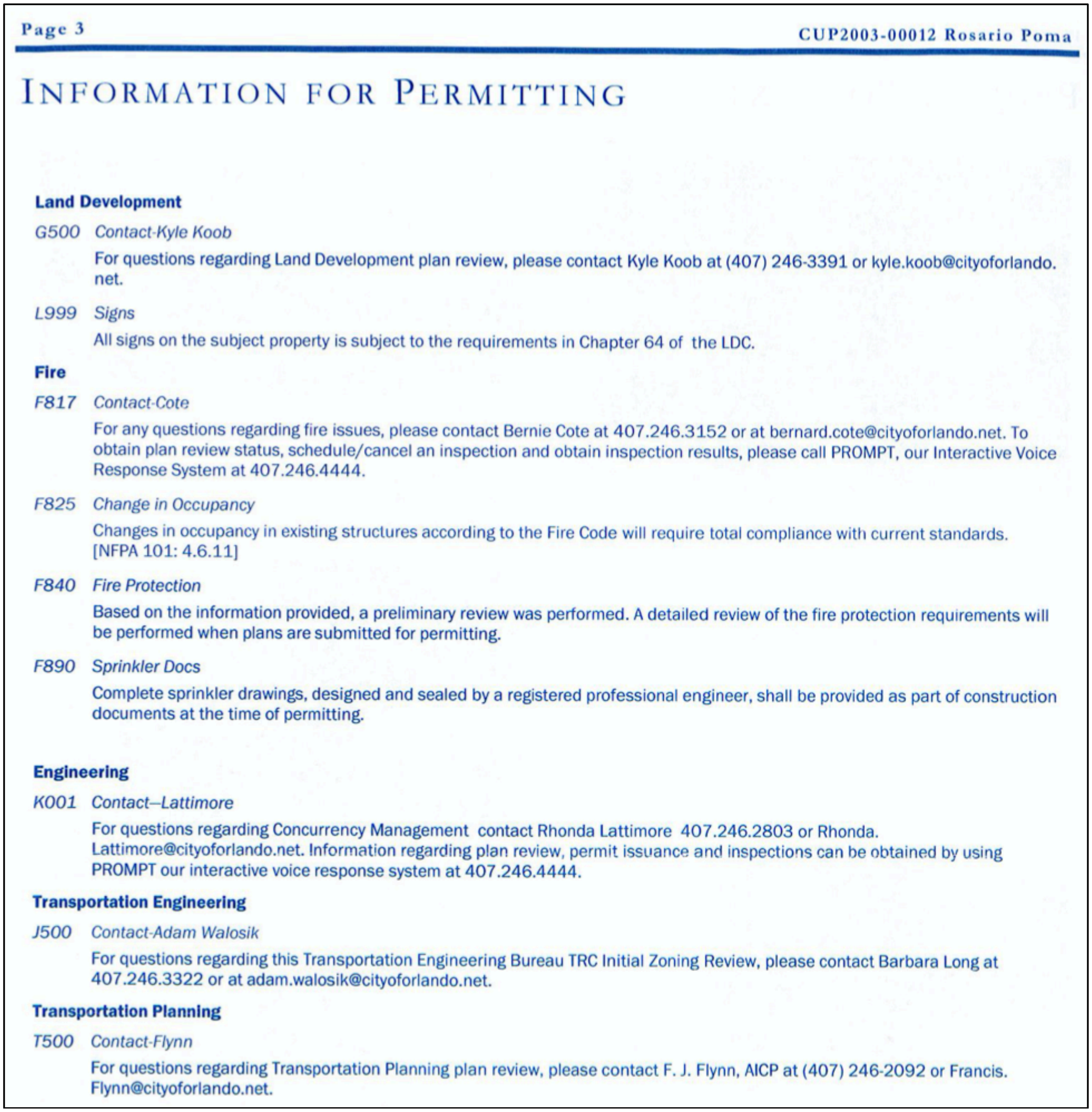
A. - The parking adjacent to the south side of the building shall be relocated as angled parking adjacent to Ester Street.
B. - Either parking lot landscaping or wheel stops shall be shown on the site plan adjacent to Orange Avenue and Ester Street to prohibit vehicle from driving or parking on the public Sidewalk and public Parkway / Right-of-way.
C. - The southern end parking space of the parking row adjacent to the east side of the building shall be removed from the approved driving aisle.
D. - Handicap parking shall be shown on the site plan per code.
E. - An on-site accessible enclosed / gated Dumpster shall be shown.

The above listed approvals were based upon previous non-substantial / significant improvements to the building and site. If in the future the site is substantially / significantly enlarged or improved other changes to the parking lot will be required per City Code for properties accessing from a Thoroughfare street (Orange Avenue).

Transportation Planning

T665 Parking–Bicycle Calculation # of Spaces

The applicant shall install one (1) bicycle rack consisting of three (3) bicycle parking spaces. The bicycle rack(s) should be located on the same building site which it serves, convenient to the principal entrance of the building. To the maximum extent feasible , covered bicycle parking should be provided. Bicycle facilities shall also be reflected on all construction plans.



INFORMATION FOR PERMITTING

Land Development

G500 Contact-Kyle Koob

For questions regarding Land Development plan review, please contact Kyle Koob at (407) 246-3391 or kyle.koob@cityoforlando.net.

L999 Signs

All signs on the subject property is subject to the requirements in Chapter 64 of the LDC.

Fire

F817 Contact-Cote

For any questions regarding fire issues, please contact Bernie Cote at 407.246.3152 or at bernard.cote@cityoforlando.net. To obtain plan review status, schedule/cancel an inspection and obtain inspection results, please call PROMPT, our Interactive Voice Response System at 407.246.4444.

F825 Change in Occupancy

Changes in occupancy in existing structures according to the Fire Code will require total compliance with current standards. [NFPA 101: 4.6.11]

F840 Fire Protection

Based on the information provided, a preliminary review was performed. A detailed review of the fire protection requirements will be performed when plans are submitted for permitting.

F890 Sprinkler Docs

Complete sprinkler drawings, designed and sealed by a registered professional engineer, shall be provided as part of construction documents at the time of permitting.

Engineering

K001 Contact—Lattimore

For questions regarding Concurrency Management contact Rhonda Lattimore 407.246.2803 or Rhonda.Lattimore@cityoforlando.net. Information regarding plan review, permit issuance and inspections can be obtained by using PROMPT our interactive voice response system at 407.246.4444.

Transportation Engineering

J500 Contact-Adam Walosik

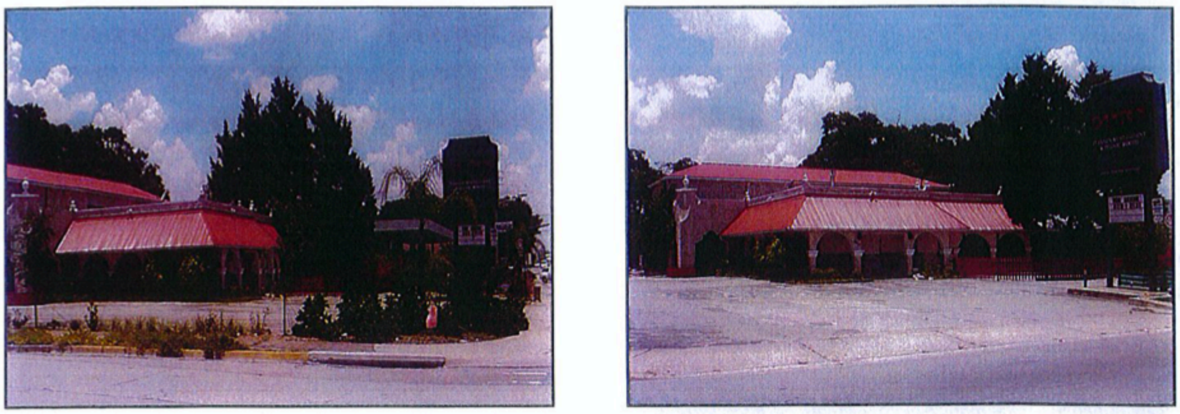
For questions regarding this Transportation Engineering Bureau TRC Initial Zoning Review, please contact Barbara Long at 407.246.3322 or at adam.walosik@cityoforlando.net.

Transportation Planning

T500 Contact-Flynn

For questions regarding Transportation Planning plan review, please contact F. J. Flynn, AICP at (407) 246-2092 or Francis.Flynn@cityoforlando.net.

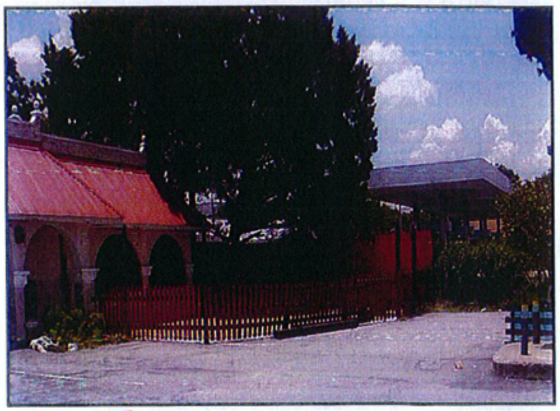
PROJECT CONTEXT



View of the subject property from South Orange Avenue.

Overview

The subject property is located at 1912 S. Orange Avenue south of W. Kaley Street. The subject site fronts on South Orange Avenue and was previously developed as Dante's Italian restaurant. South Orange Avenue is a 5-lane arterial road that is lined with a mixture of commercial and office uses.



The applicant has expressed an interest in expanding the existing patio area.

Neighboring business to the south on the corner of S. Orange Avenue and W. Esther Street.

Neighboring businesses (retail and fast food) on the east side of S. Orange Avenue.

PROJECT OVERVIEW & ANALYSIS

Distance Separation Requirements

Section 58.710 of the LDC requires that vendors that sell alcoholic beverages for on-site consumption, shall locate the business no closer than 1,000 feet from a church or a school. The distance is measured by the shortest most direct route from the church or school property to the entrance of the establishment that is serving alcoholic beverages during normal business hours. Businesses that serve alcohol and that are established prior to a church or school (or both) that locates within 1,000 feet, are exempt from the distance separation requirements. The Christ Church and school is located within 892 ft. of the subject property at 1912 S. Orange Avenue as reported on June 5, 2003 by Code Officer Earl Mike.

Exemptions to the Distance Requirements

The City recognizes that special circumstances may exist where establishments that sell alcohol for on-premise consumption would not necessarily have a negative impact on the area in which it is to be located. The following types of establishments may qualify for an exemption from the distance requirement:

1. The restaurant is licensed by the State of Florida and derives at least 51% of its gross revenues from the sale of food and non-alcoholic beverages OR the establishment obtains a Conditional Use Permit.
2. The establishment does not allow outdoor sale or consumption between the hours of 7AM-5PM, Monday through Friday, if the establishment is within 500 feet of a church or school.
3. Motels that contain more than 100 rooms and conduct the sales for consumption on premises.
4. Package sales of beer and wine for off-premise consumption.

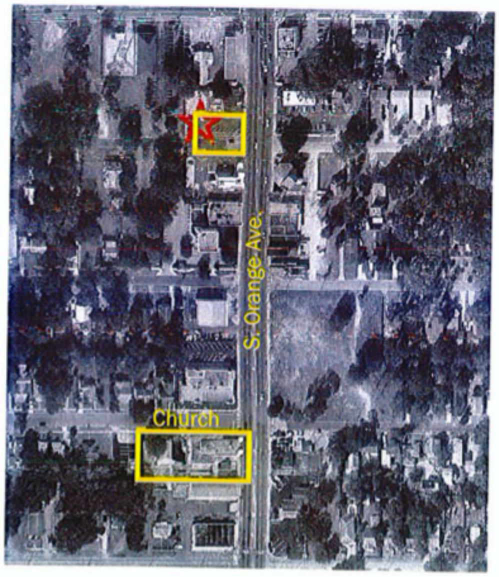
Proposed Restaurant

Based on the applicant's experience in the restaurant industry and the proposed operation of the business, he believes that the revenues obtained from the sale of food and non-alcoholic beverages will be less than the 51% required in the LDC. Therefore, he is requesting Conditional Use approval to allow the sales of alcoholic beverages in excess of 49% of the restaurant's gross revenues.

Effect on Surrounding Properties

The purpose of the Conditional Use Permit process for distance waivers is for staff and the Municipal Planning Board to analyze the possible effects on the church or school that is within 1,000 feet of the subject establishment that is requesting to serve alcoholic beverages. Furthermore, Conditional Use approval can only be requested if the restaurant is located at least 500 feet from the church or school.

As indicated on Page 5, the proposed location of the restaurant is 892 feet from the door of the restaurant to the door of the church. Be-

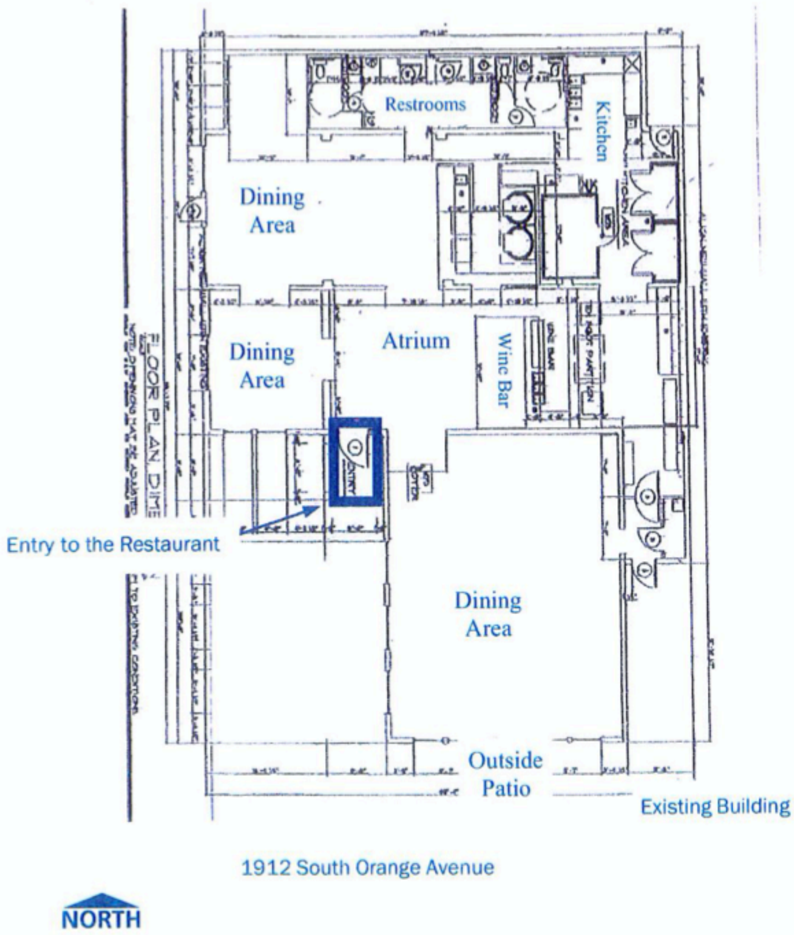


Christ Church of Orlando

View of Christ Church and school (corner of S. Orange Ave. and W. Muriel St.) that is 892 feet from the subject site

PROJECT OVERVIEW & ANALYSIS

Floor Plan


Restrooms
Kitchen
Dining Area
Dining Area
Atrium
Wine Bar
FLOOR PLAN DIME
Entry to the Restaurant
Dining Area
Outside Patio
Existing Building
1912 South Orange Avenue
NORTH

cause the properties are separated by two blocks and several businesses, the impact on the church and school should be minimal.

This portion of S. Orange Avenue is developed with various restaurants that serve beer, wine and alcohol within 6 blocks of the Christ Church (i.e. Impressions Lounge, Roadhouse Grill, Deli Planet, Numero Uno). Additionally, the previous owner of the subject property had received a variance to the distance separation requirement to sell alcohol on the premises (under 50% of total revenues).

ANALYSIS (CONTINUED)

Kitchen Facility and Menu

According to the proposed floor plan and the menu provided by the applicant, the proposed martini bar/restaurant will use a renovated kitchen and essentially the same seating areas of the previous restaurant. The proposed menu below offers an array of drinks as well as a mixture of appetizers, salads, sandwiches, and brunch items.

Entry Fees and Cover Charges

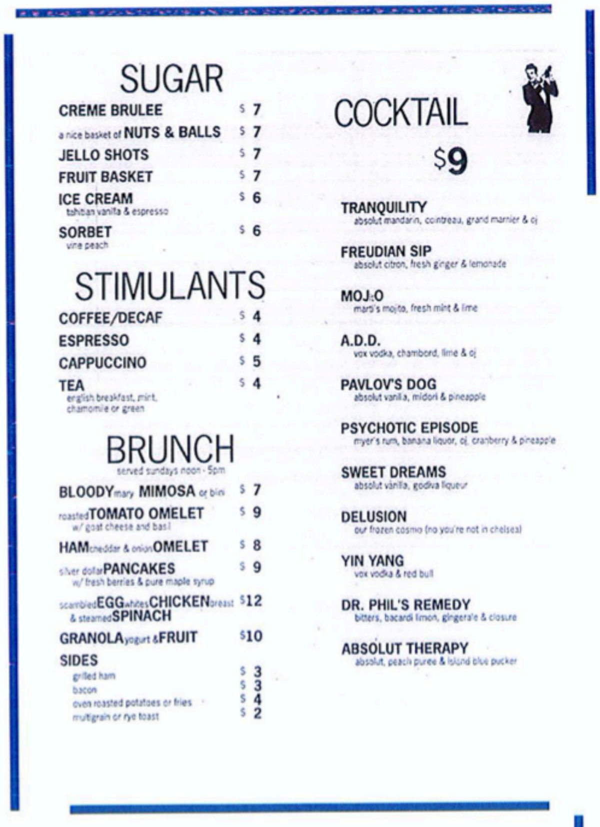
To ensure that the establishment remains a restaurant and does not become a full or part-time entertainment establishment, cover charges and entry fees may only be collected on an occasional basis for special events such as live entertainment.

Signs

The signs for the restaurant shall meet the requirements of Chapter 64. No advertisements for alcoholic beverages shall be visible from the exterior of the building.

Summary

The proposed martini bar/restaurant provides a good opportunity to occupy the existing vacant building and staff is recommending approval subject to the conditions contained in this report. Staff believes that the church/school, which is two city blocks south of the subject site, will experience minimal impacts if any from the proposed martini bar/restaurant.



SUGAR

CREME BRULEE	$ 7
a nice basket of **NUTS & BALLS**	$ 7
JELLO SHOTS	$ 7
FRUIT BASKET	$ 7
ICE CREAM tahitian vanilla & espresso	$ 6
SORBET vine peach	$ 6

STIMULANTS

COFFEE/DECAF	$ 4
ESPRESSO	$ 4
CAPPUCCINO	$ 5
TEA english breakfast, mint, chamomile or green	$ 4

BRUNCH

served sundays noon - 5pm

BLOODY mary **MIMOSA** or bini	$ 7
roasted **TOMATO OMELET** w/ goat cheese and basil	$ 9
HAM cheddar & onion **OMELET**	$ 8
silver dollar **PANCAKES** w/ fresh berries & pure maple syrup	$ 9
scambled **EGG** whites **CHICKEN** breast & steamed **SPINACH**	$12
GRANOLA yogurt & **FRUIT**	$10
SIDES	
grilled ham	$ 3
bacon	$ 3
oven roasted potatoes or fries	$ 4
multigrain or rye toast	$ 2

COCKTAIL

$9

TRANQUILITY
absolut mandarin, cointreau, grand marnier & oj

FREUDIAN SIP
absolut citron, fresh ginger & lemonade

MOJ.O
marti's mojito, fresh mint & lime

A.D.D.
vox vodka, chambord, lime & oj

PAVLOV'S DOG
absolut vanilla, midori & pineapple

PSYCHOTIC EPISODE
myer's rum, banana liquor, oj, cranberry & pineapple

SWEET DREAMS
absolut vanilla, godiva liqueur

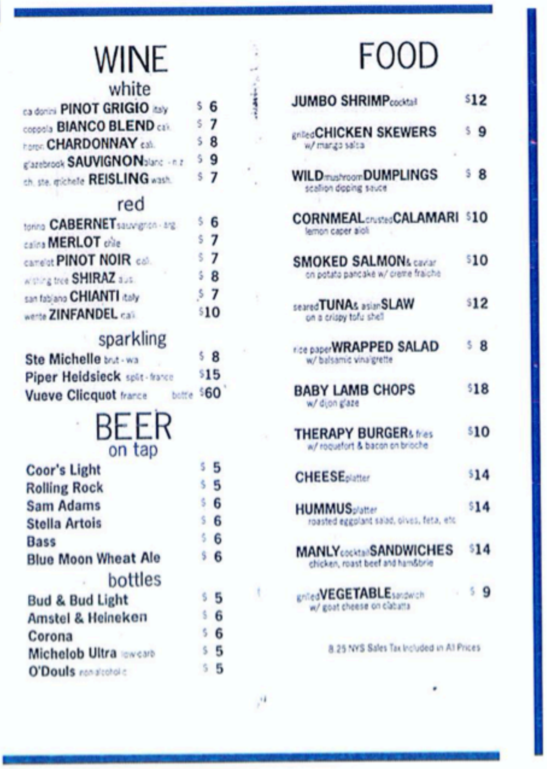
DELUSION
our frozen cosmo (no you're not in chelsea)

YIN YANG
vox vodka & red bull

DR. PHIL'S REMEDY
bitters, bacardi limon, gingerale & closure

ABSOLUT THERAPY
absolut, peach puree & island blue pucker

SAMPLE MENU



WINE

white

ca donini **PINOT GRIGIO** italy	$ 6
coppola **BIANCO BLEND** cal.	$ 7
toron **CHARDONNAY** cal.	$ 8
glazebrook **SAUVIGNON** blanc - n.z	$ 9
ch. ste. michelle **REISLING** wash.	$ 7

red

torino **CABERNET** sauvignon - arg.	$ 6
calina **MERLOT** chile	$ 7
camelot **PINOT NOIR** cal.	$ 7
wishing tree **SHIRAZ** aus.	$ 8
san fabiano **CHIANTI** italy	$ 7
wente **ZINFANDEL** cali	$10

sparkling

Ste Michelle brut - wa	$ 8
Piper Heidsieck split - france	$15
Vueve Clicquot france bottle	$60

BEER

on tap

Coor's Light	$ 5
Rolling Rock	$ 5
Sam Adams	$ 6
Stella Artois	$ 6
Bass	$ 6
Blue Moon Wheat Ale	$ 6

bottles

Bud & Bud Light	$ 5
Amstel & Heineken	$ 6
Corona	$ 6
Michelob Ultra lowcarb	$ 5
O'Douls non alcoholic	$ 5

FOOD

JUMBO SHRIMP cocktail	$12
grilled **CHICKEN SKEWERS** w/ mango salsa	$ 9
WILD mushroom **DUMPLINGS** scallion dipping sauce	$ 8
CORNMEAL crusted **CALAMARI** lemon caper aioli	$10
SMOKED SALMON & caviar on potato pancake w/ creme fraiche	$10
seared **TUNA** & asian **SLAW** on a crispy tofu shell	$12
rice paper **WRAPPED SALAD** w/ balsamic vinaigrette	$ 8
BABY LAMB CHOPS w/ dijon glaze	$18
THERAPY BURGER & fries w/ roquefort & bacon on brioche	$10
CHEESE platter	$14
HUMMUS platter roasted eggplant salad, olives, feta, etc	$14
MANLY cocktail **SANDWICHES** chicken, roast beef and ham&brie	$14
grilled **VEGETABLE** sandwich w/ goat cheese on ciabatta	$ 9

8.25 NYS Sales Tax Included in All Prices

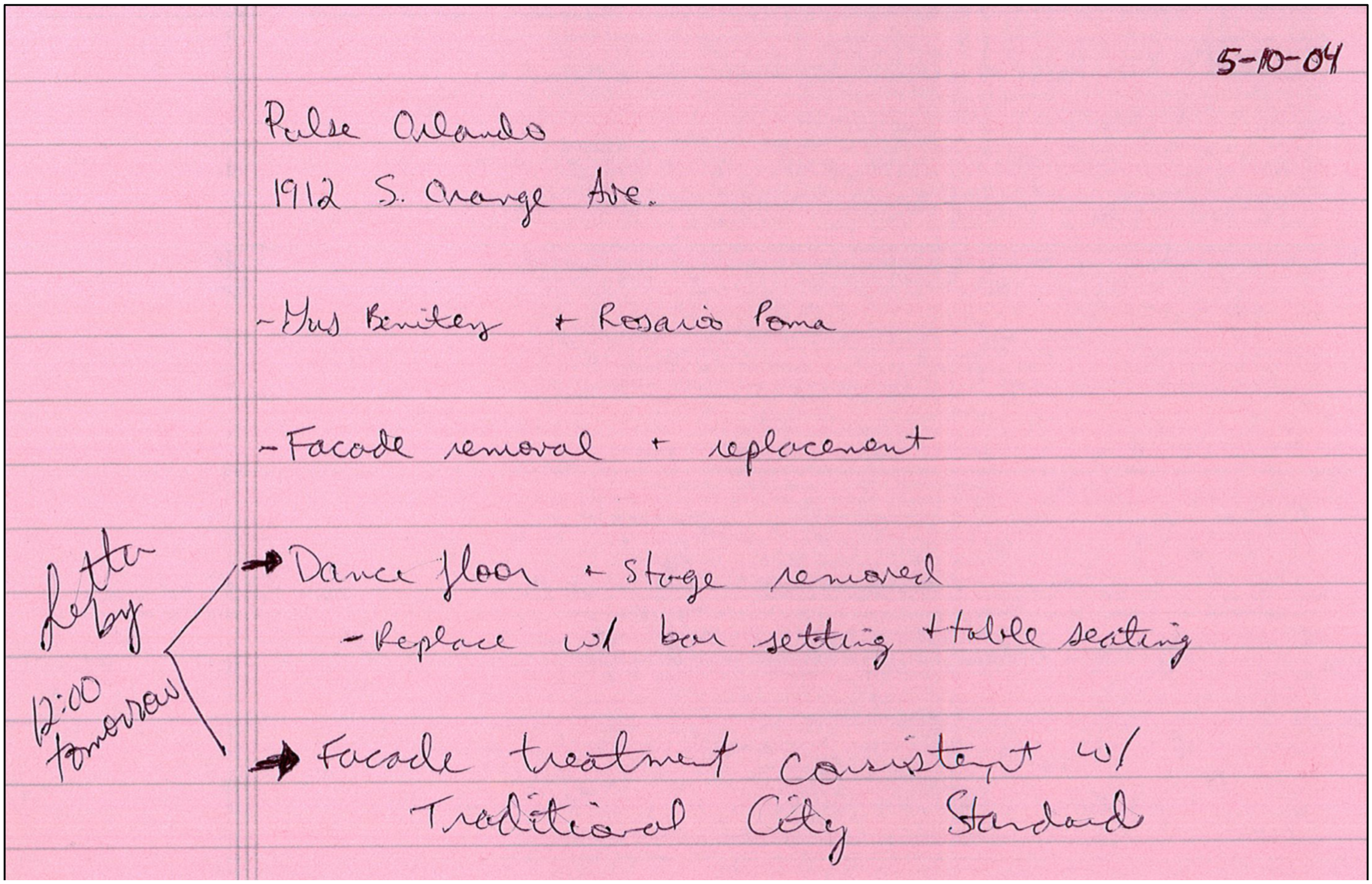
In addition to the Municipal Planning Board agenda, we also obtained (through an individual request for public records) additional documents related to the conditional use permit and Pulse's approved-use by the Municipal Planning Board.

Shown below, these include:

1. a handwritten note that documents required changes to be made to the building, including the removal of the dance floor, stage, and façade;

2. a record of CUP issues that states, "Actual use shown on building plans is for a nightclub. Nightclubs are considered Indoor Recreation, which require a separate conditional use permit." Pulse owners never applied for a separate conditional use permit and operated as a nightclub in violation of the law; and

3. a photo of that shows sections of the front of Pulse marked for windows, as at least 15% of the side facing South Orange Avenue was required to have transparent materials (see *1.5 Letter from Dean Grandin*). At the time of the shooting these windows were sealed up and further blocked by an unpermitted outdoor bar and patio (see *Figure 28* and *Figure 29*).



5-10-04

Pulse Orlando
1912 S. Orange Ave.

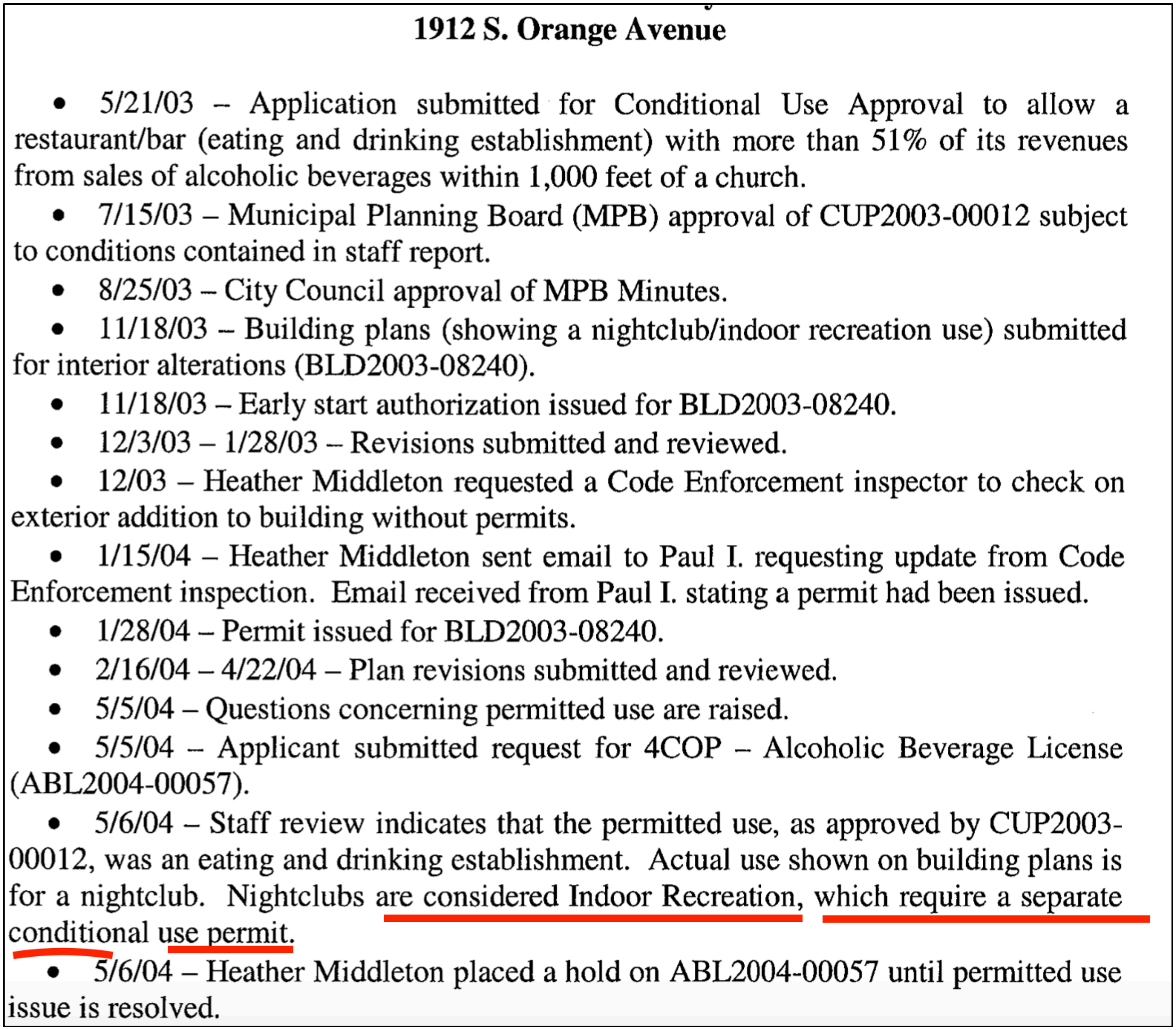
~Yus Benitez + Rosario Poma

-Facade removal + replacement

Letter by 12:00 tomorrow

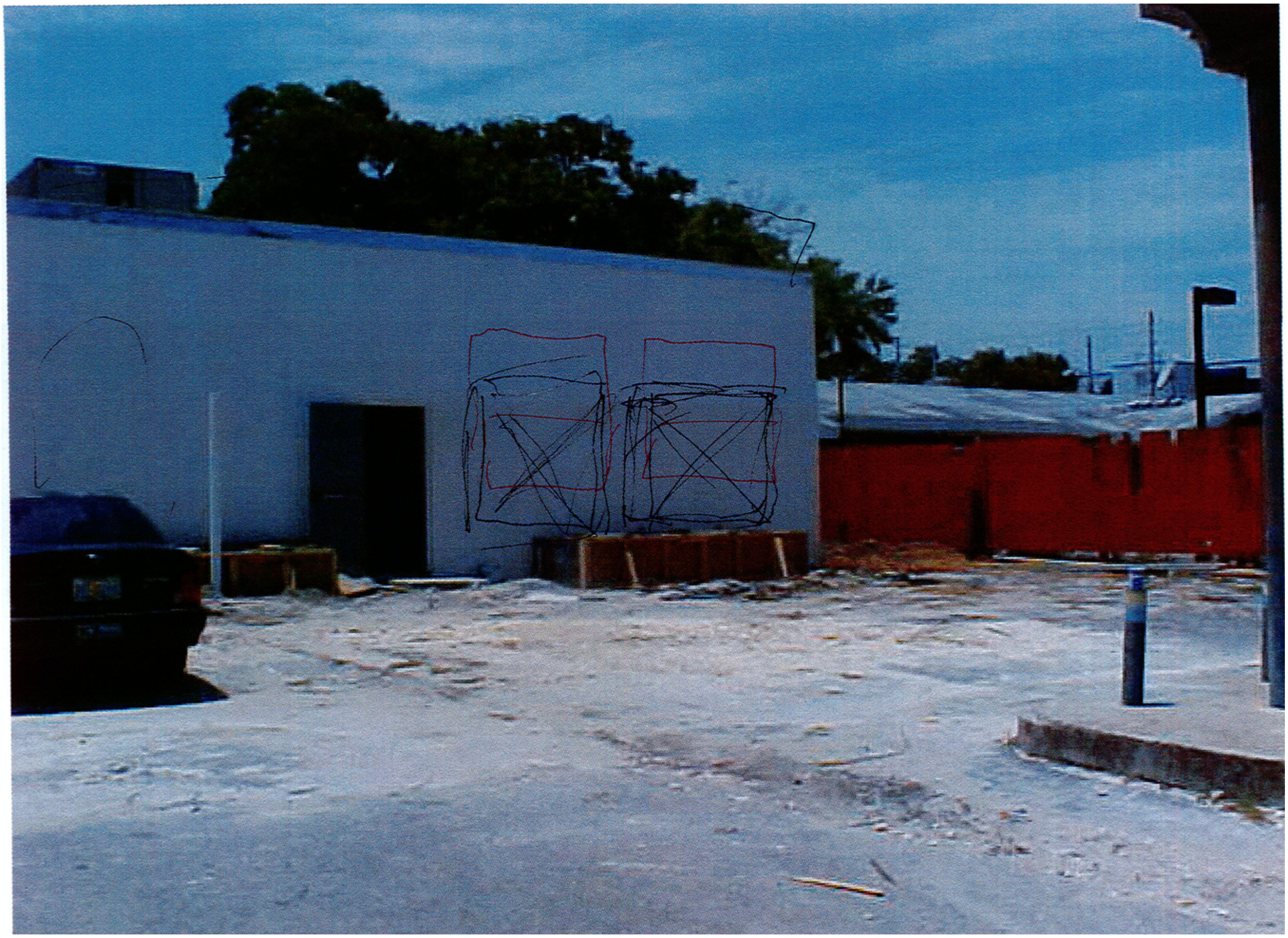
→ Dance floor + stage removed
-Replace w/ bar setting + table seating

→ Facade treatment consistent w/ Traditional City Standard



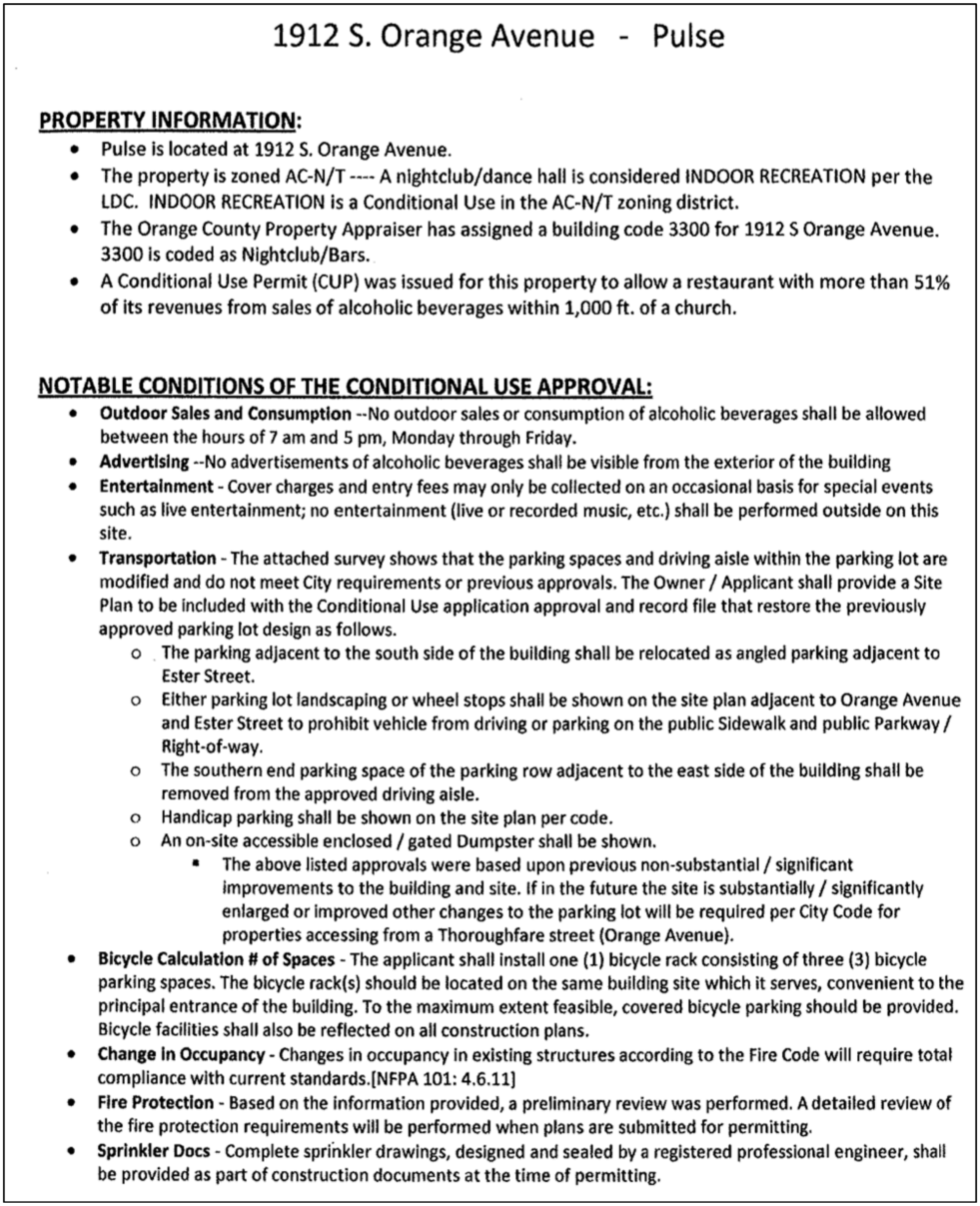
1912 S. Orange Avenue

- 5/21/03 – Application submitted for Conditional Use Approval to allow a restaurant/bar (eating and drinking establishment) with more than 51% of its revenues from sales of alcoholic beverages within 1,000 feet of a church.
- 7/15/03 – Municipal Planning Board (MPB) approval of CUP2003-00012 subject to conditions contained in staff report.
- 8/25/03 – City Council approval of MPB Minutes.
- 11/18/03 – Building plans (showing a nightclub/indoor recreation use) submitted for interior alterations (BLD2003-08240).
- 11/18/03 – Early start authorization issued for BLD2003-08240.
- 12/3/03 – 1/28/03 – Revisions submitted and reviewed.
- 12/03 – Heather Middleton requested a Code Enforcement inspector to check on exterior addition to building without permits.
- 1/15/04 – Heather Middleton sent email to Paul I. requesting update from Code Enforcement inspection. Email received from Paul I. stating a permit had been issued.
- 1/28/04 – Permit issued for BLD2003-08240.
- 2/16/04 – 4/22/04 – Plan revisions submitted and reviewed.
- 5/5/04 – Questions concerning permitted use are raised.
- 5/5/04 – Applicant submitted request for 4COP – Alcoholic Beverage License (ABL2004-00057).
- 5/6/04 – Staff review indicates that the permitted use, as approved by CUP2003-00012, was an eating and drinking establishment. Actual use shown on building plans is for a nightclub. Nightclubs are considered Indoor Recreation, which require a separate conditional use permit.
- 5/6/04 – Heather Middleton placed a hold on ABL2004-00057 until permitted use issue is resolved.



1.2 Violations Documented by the City of Orlando

In 2010, city officials gathered information on some of the violations and issues at Pulse in order to "work with" owner Rosario Poma on getting the nightclub into compliance. This never resulted in getting the business into compliance, nor did it result in any citations or the closure of the business. This document was released through the City of Orlando's Pulse Tragedy Public Records site and can be seen below:



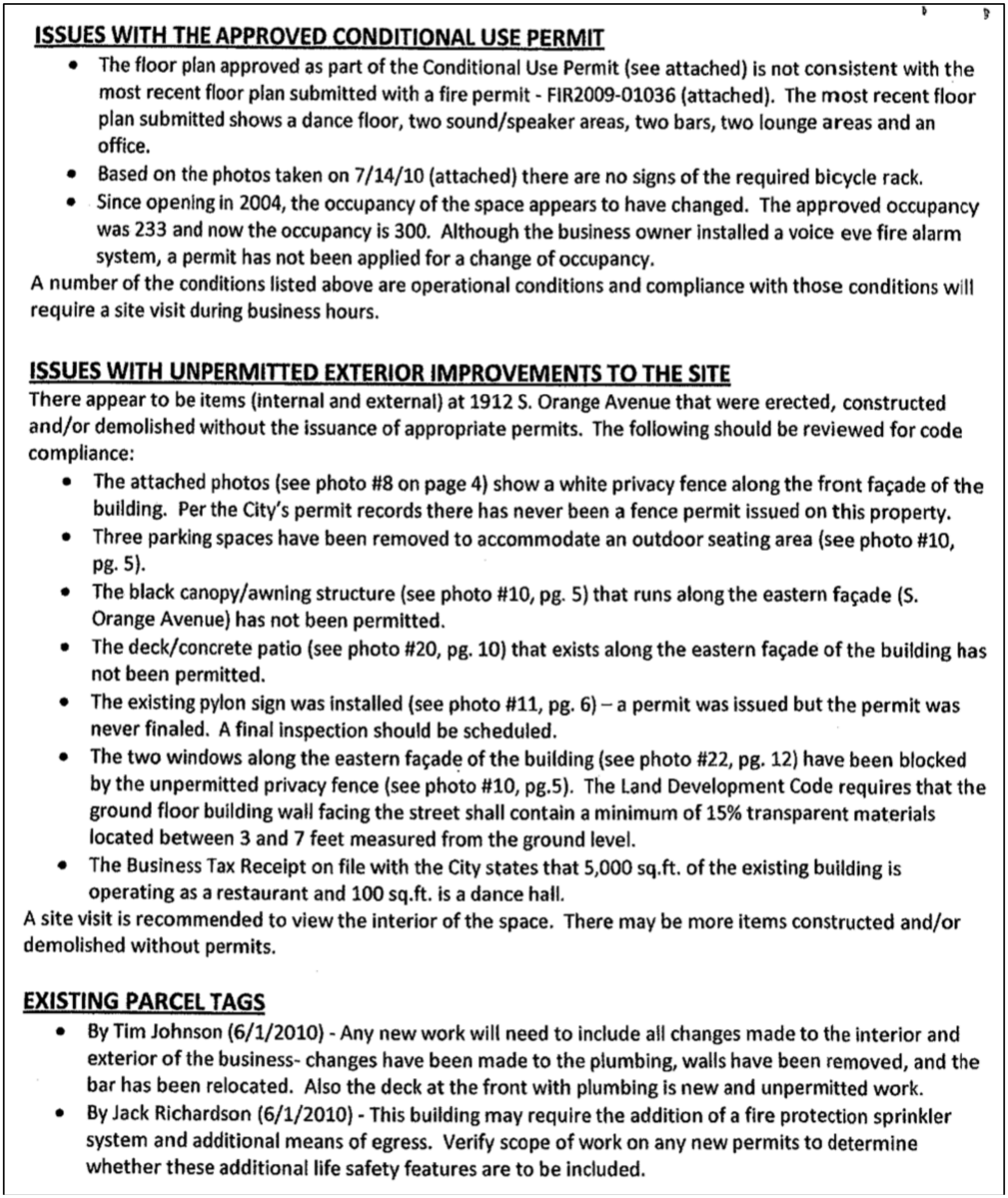
1912 S. Orange Avenue - Pulse

PROPERTY INFORMATION:

- Pulse is located at 1912 S. Orange Avenue.
- The property is zoned AC-N/T ---- A nightclub/dance hall is considered INDOOR RECREATION per the LDC. INDOOR RECREATION is a Conditional Use in the AC-N/T zoning district.
- The Orange County Property Appraiser has assigned a building code 3300 for 1912 S Orange Avenue. 3300 is coded as Nightclub/Bars.
- A Conditional Use Permit (CUP) was issued for this property to allow a restaurant with more than 51% of its revenues from sales of alcoholic beverages within 1,000 ft. of a church.

NOTABLE CONDITIONS OF THE CONDITIONAL USE APPROVAL:

- **Outdoor Sales and Consumption** --No outdoor sales or consumption of alcoholic beverages shall be allowed between the hours of 7 am and 5 pm, Monday through Friday.
- **Advertising** --No advertisements of alcoholic beverages shall be visible from the exterior of the building
- **Entertainment** - Cover charges and entry fees may only be collected on an occasional basis for special events such as live entertainment; no entertainment (live or recorded music, etc.) shall be performed outside on this site.
- **Transportation** - The attached survey shows that the parking spaces and driving aisle within the parking lot are modified and do not meet City requirements or previous approvals. The Owner / Applicant shall provide a Site Plan to be included with the Conditional Use application approval and record file that restore the previously approved parking lot design as follows.
    - The parking adjacent to the south side of the building shall be relocated as angled parking adjacent to Ester Street.
    - Either parking lot landscaping or wheel stops shall be shown on the site plan adjacent to Orange Avenue and Ester Street to prohibit vehicle from driving or parking on the public Sidewalk and public Parkway / Right-of-way.
    - The southern end parking space of the parking row adjacent to the east side of the building shall be removed from the approved driving aisle.
    - Handicap parking shall be shown on the site plan per code.
    - An on-site accessible enclosed / gated Dumpster shall be shown.
        - The above listed approvals were based upon previous non-substantial / significant improvements to the building and site. If in the future the site is substantially / significantly enlarged or improved other changes to the parking lot will be required per City Code for properties accessing from a Thoroughfare street (Orange Avenue).
- **Bicycle Calculation # of Spaces** - The applicant shall install one (1) bicycle rack consisting of three (3) bicycle parking spaces. The bicycle rack(s) should be located on the same building site which it serves, convenient to the principal entrance of the building. To the maximum extent feasible, covered bicycle parking should be provided. Bicycle facilities shall also be reflected on all construction plans.
- **Change in Occupancy** - Changes in occupancy in existing structures according to the Fire Code will require total compliance with current standards.[NFPA 101: 4.6.11]
- **Fire Protection** - Based on the information provided, a preliminary review was performed. A detailed review of the fire protection requirements will be performed when plans are submitted for permitting.
- **Sprinkler Docs** - Complete sprinkler drawings, designed and sealed by a registered professional engineer, shall be provided as part of construction documents at the time of permitting.



ISSUES WITH THE APPROVED CONDITIONAL USE PERMIT

- The floor plan approved as part of the Conditional Use Permit (see attached) is not consistent with the most recent floor plan submitted with a fire permit - FIR2009-01036 (attached). The most recent floor plan submitted shows a dance floor, two sound/speaker areas, two bars, two lounge areas and an office.
- Based on the photos taken on 7/14/10 (attached) there are no signs of the required bicycle rack.
- Since opening in 2004, the occupancy of the space appears to have changed. The approved occupancy was 233 and now the occupancy is 300. Although the business owner installed a voice eve fire alarm system, a permit has not been applied for a change of occupancy.

A number of the conditions listed above are operational conditions and compliance with those conditions will require a site visit during business hours.

ISSUES WITH UNPERMITTED EXTERIOR IMPROVEMENTS TO THE SITE

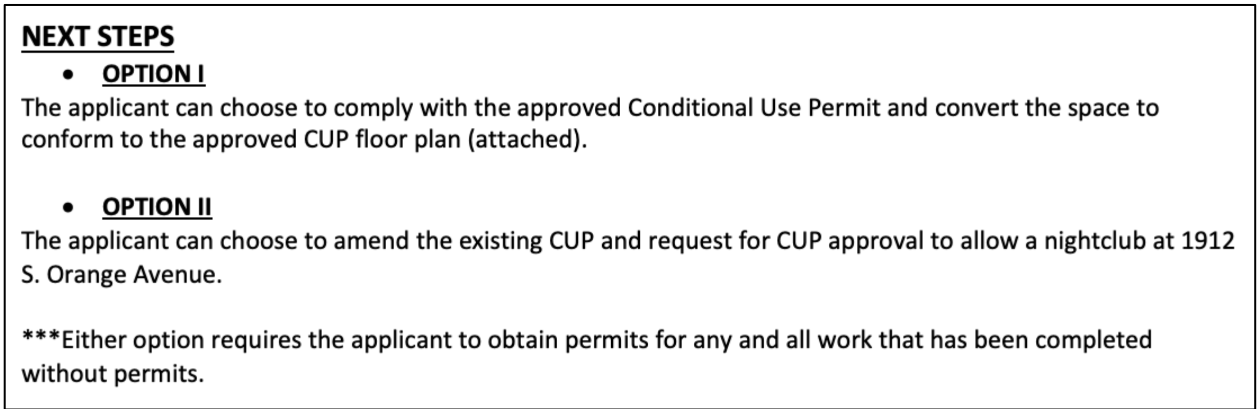
There appear to be items (internal and external) at 1912 S. Orange Avenue that were erected, constructed and/or demolished without the issuance of appropriate permits. The following should be reviewed for code compliance:

- The attached photos (see photo #8 on page 4) show a white privacy fence along the front façade of the building. Per the City's permit records there has never been a fence permit issued on this property.
- Three parking spaces have been removed to accommodate an outdoor seating area (see photo #10, pg. 5).
- The black canopy/awning structure (see photo #10, pg. 5) that runs along the eastern façade (S. Orange Avenue) has not been permitted.
- The deck/concrete patio (see photo #20, pg. 10) that exists along the eastern façade of the building has not been permitted.
- The existing pylon sign was installed (see photo #11, pg. 6) – a permit was issued but the permit was never finaled. A final inspection should be scheduled.
- The two windows along the eastern façade of the building (see photo #22, pg. 12) have been blocked by the unpermitted privacy fence (see photo #10, pg.5). The Land Development Code requires that the ground floor building wall facing the street shall contain a minimum of 15% transparent materials located between 3 and 7 feet measured from the ground level.
- The Business Tax Receipt on file with the City states that 5,000 sq.ft. of the existing building is operating as a restaurant and 100 sq.ft. is a dance hall.

A site visit is recommended to view the interior of the space. There may be more items constructed and/or demolished without permits.

EXISTING PARCEL TAGS

- By Tim Johnson (6/1/2010) - Any new work will need to include all changes made to the interior and exterior of the business- changes have been made to the plumbing, walls have been removed, and the bar has been relocated. Also the deck at the front with plumbing is new and unpermitted work.
- By Jack Richardson (6/1/2010) - This building may require the addition of a fire protection sprinkler system and additional means of egress. Verify scope of work on any new permits to determine whether these additional life safety features are to be included.



NEXT STEPS

- **OPTION I**

The applicant can choose to comply with the approved Conditional Use Permit and convert the space to conform to the approved CUP floor plan (attached).

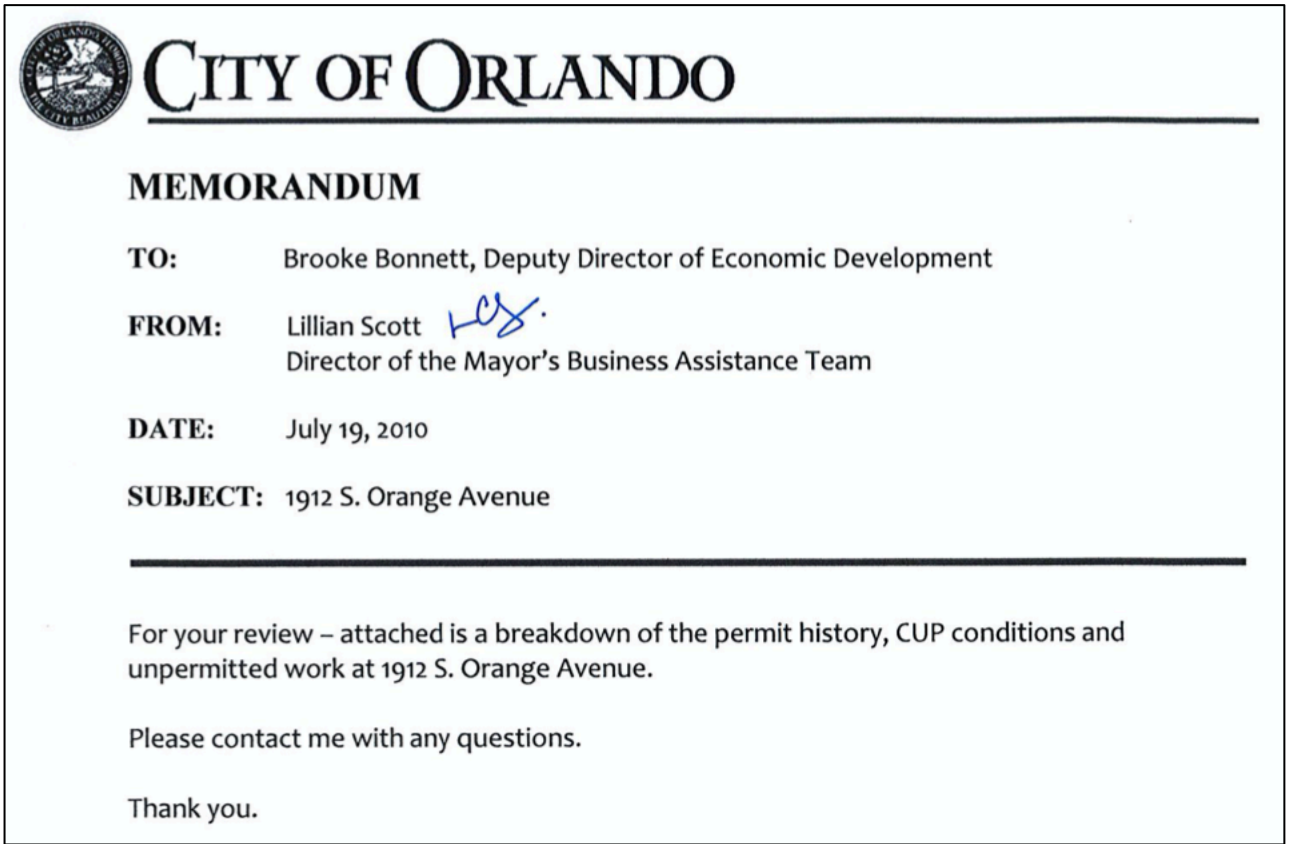
- **OPTION II**

The applicant can choose to amend the existing CUP and request for CUP approval to allow a nightclub at 1912 S. Orange Avenue.

***Either option requires the applicant to obtain permits for any and all work that has been completed without permits.

In the last section of this document (shown above), the City of Orlando provided two options for Rosario Poma and Barbara Poma to remedy their violations of the CUP. The space was never converted to conform to the approved CUP floor plan (Option 1). The CUP was also never amended (Option 2). Furthermore, “permits for any and all work that has been completed without permits” were never obtained (see *Part II: Unpermitted Renovations*).

This document, entitled “1912 S. Orange Avenue – Pulse” was created by Brooke Bennet, Deputy Director of Economic Development, as shown in the memorandum below:



CITY OF ORLANDO

MEMORANDUM

TO: Brooke Bonnett, Deputy Director of Economic Development

FROM: Lillian Scott
Director of the Mayor’s Business Assistance Team

DATE: July 19, 2010

SUBJECT: 1912 S. Orange Avenue

For your review – attached is a breakdown of the permit history, CUP conditions and unpermitted work at 1912 S. Orange Avenue.

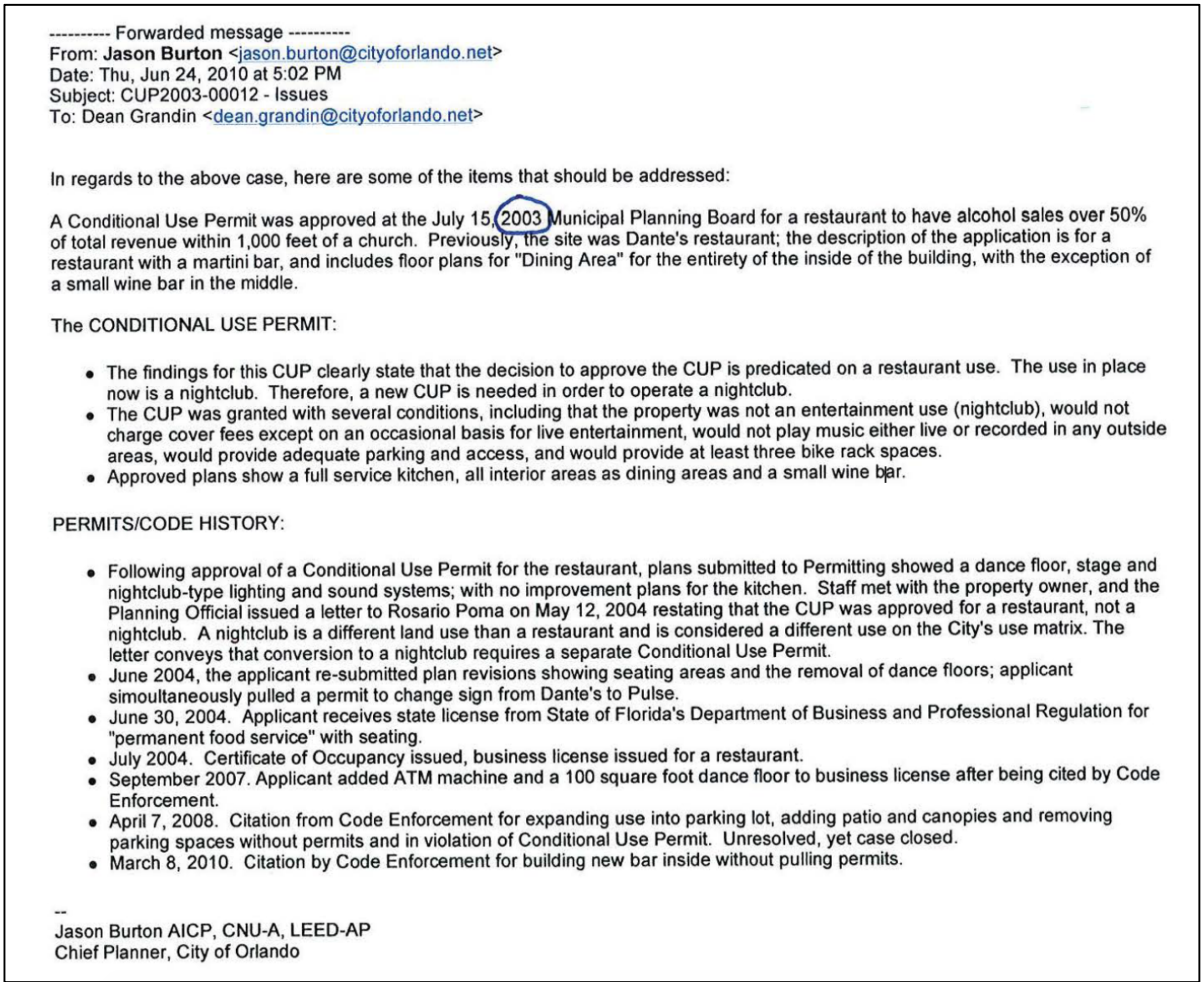
Please contact me with any questions.

Thank you.

1.3 Email from Jason Burton: “The CUP was approved for a restaurant, not a nightclub.”

The following email detailis communications between the City of Orlando and Pulse co-owner Rosario Poma. Written by Jason Burton, Assistant Division Manager of the City Planning Division, he states: “A nightclub is a different land use than a restaurant and is considered a different use on the City’s use matrix… conversion to a nightclub requires a separate Conditional Use Permit.”

Furthermore, the email states that in June 2004, “the applicant [Rosario Poma] re-submitted plan revisions showing seating areas and the removal of dance floors.” However, Pulse continued to operate as a nightclub with a dance floor until the shooting. In 2007, after being cited, Mr. Poma added ATM machine and 100 square foot dance floor to the business license in violation of its CUP (see *1.7 “Dance Hall” Added to Business Tax Application*). In 2008, Pulse was cited for the removal of parking spaces, outdoor patio, new interior, and other interior renovations. These issues were left unresolved; however, the City of Orlando closed the case.



---------- Forwarded message ----------
From: **Jason Burton** <jason.burton@cityoforlando.net>
Date: Thu, Jun 24, 2010 at 5:02 PM
Subject: CUP2003-00012 - Issues
To: Dean Grandin <dean.grandin@cityoforlando.net>

In regards to the above case, here are some of the items that should be addressed:

A Conditional Use Permit was approved at the July 15, 2003 Municipal Planning Board for a restaurant to have alcohol sales over 50% of total revenue within 1,000 feet of a church. Previously, the site was Dante's restaurant; the description of the application is for a restaurant with a martini bar, and includes floor plans for "Dining Area" for the entirety of the inside of the building, with the exception of a small wine bar in the middle.

The CONDITIONAL USE PERMIT:

- The findings for this CUP clearly state that the decision to approve the CUP is predicated on a restaurant use. The use in place now is a nightclub. Therefore, a new CUP is needed in order to operate a nightclub.
- The CUP was granted with several conditions, including that the property was not an entertainment use (nightclub), would not charge cover fees except on an occasional basis for live entertainment, would not play music either live or recorded in any outside areas, would provide adequate parking and access, and would provide at least three bike rack spaces.
- Approved plans show a full service kitchen, all interior areas as dining areas and a small wine bar.

PERMITS/CODE HISTORY:

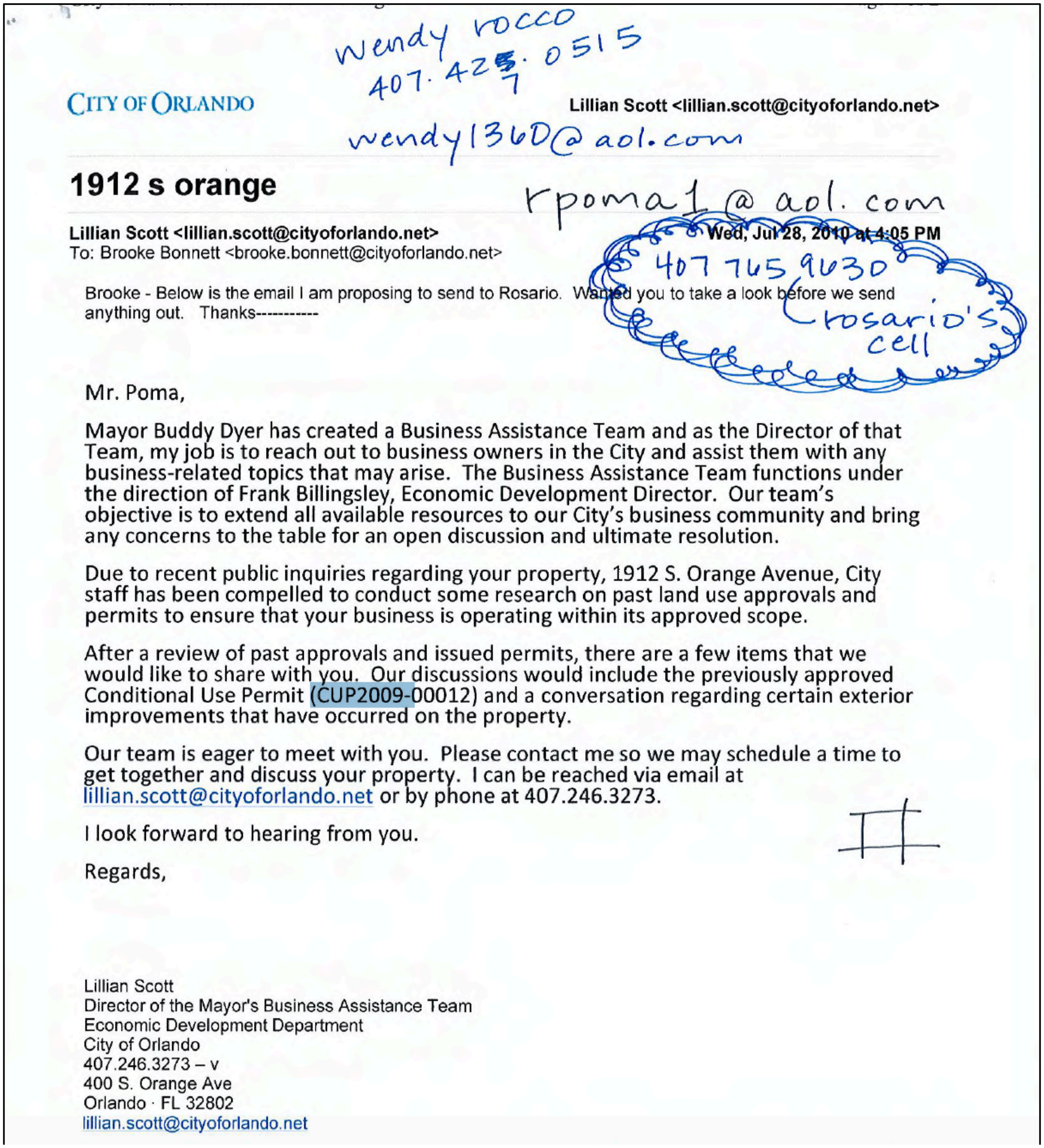
- Following approval of a Conditional Use Permit for the restaurant, plans submitted to Permitting showed a dance floor, stage and nightclub-type lighting and sound systems; with no improvement plans for the kitchen. Staff met with the property owner, and the Planning Official issued a letter to Rosario Poma on May 12, 2004 restating that the CUP was approved for a restaurant, not a nightclub. A nightclub is a different land use than a restaurant and is considered a different use on the City's use matrix. The letter conveys that conversion to a nightclub requires a separate Conditional Use Permit.
- June 2004, the applicant re-submitted plan revisions showing seating areas and the removal of dance floors; applicant simoultaneously pulled a permit to change sign from Dante's to Pulse.
- June 30, 2004. Applicant receives state license from State of Florida's Department of Business and Professional Regulation for "permanent food service" with seating.
- July 2004. Certificate of Occupancy issued, business license issued for a restaurant.
- September 2007. Applicant added ATM machine and a 100 square foot dance floor to business license after being cited by Code Enforcement.
- April 7, 2008. Citation from Code Enforcement for expanding use into parking lot, adding patio and canopies and removing parking spaces without permits and in violation of Conditional Use Permit. Unresolved, yet case closed.
- March 8, 2010. Citation by Code Enforcement for building new bar inside without pulling permits.

--
Jason Burton AICP, CNU-A, LEED-AP
Chief Planner, City of Orlando

Figure 1: This email was obtained through the City of Orlando’s Pulse Tragedy Public Records site.

1.4 Letter to Rosario Poma from the City of Orlando

The following letter was drafted by Lillian Scott, Director of the Mayor's Business Assistance Team, and later sent to Pulse co-owner Rosario Poma. The letter was in response to public inquiries regarding the Pulse nightclub and was written "to ensure that [Pulse] is operating within its approved scope." This draft is from July 28, 2010 and was provided on the City of Orlando's Pulse Tragedy Public Records page.



wendy rocco
407. 425. 0515
7

CITY OF ORLANDO

Lillian Scott <lillian.scott@cityoforlando.net>

wendy136D@aol.com

1912 s orange

rpoma1@aol.com

Lillian Scott <lillian.scott@cityoforlando.net>
To: Brooke Bonnett <brooke.bonnett@cityoforlando.net>

Wed, Jul 28, 2010 at 4:05 PM

407 765 9630
(rosario's cell

Brooke - Below is the email I am proposing to send to Rosario. Wanted you to take a look before we send anything out. Thanks----------

Mr. Poma,

Mayor Buddy Dyer has created a Business Assistance Team and as the Director of that Team, my job is to reach out to business owners in the City and assist them with any business-related topics that may arise. The Business Assistance Team functions under the direction of Frank Billingsley, Economic Development Director. Our team's objective is to extend all available resources to our City's business community and bring any concerns to the table for an open discussion and ultimate resolution.

Due to recent public inquiries regarding your property, 1912 S. Orange Avenue, City staff has been compelled to conduct some research on past land use approvals and permits to ensure that your business is operating within its approved scope.

After a review of past approvals and issued permits, there are a few items that we would like to share with you. Our discussions would include the previously approved Conditional Use Permit (CUP2009-00012) and a conversation regarding certain exterior improvements that have occurred on the property.

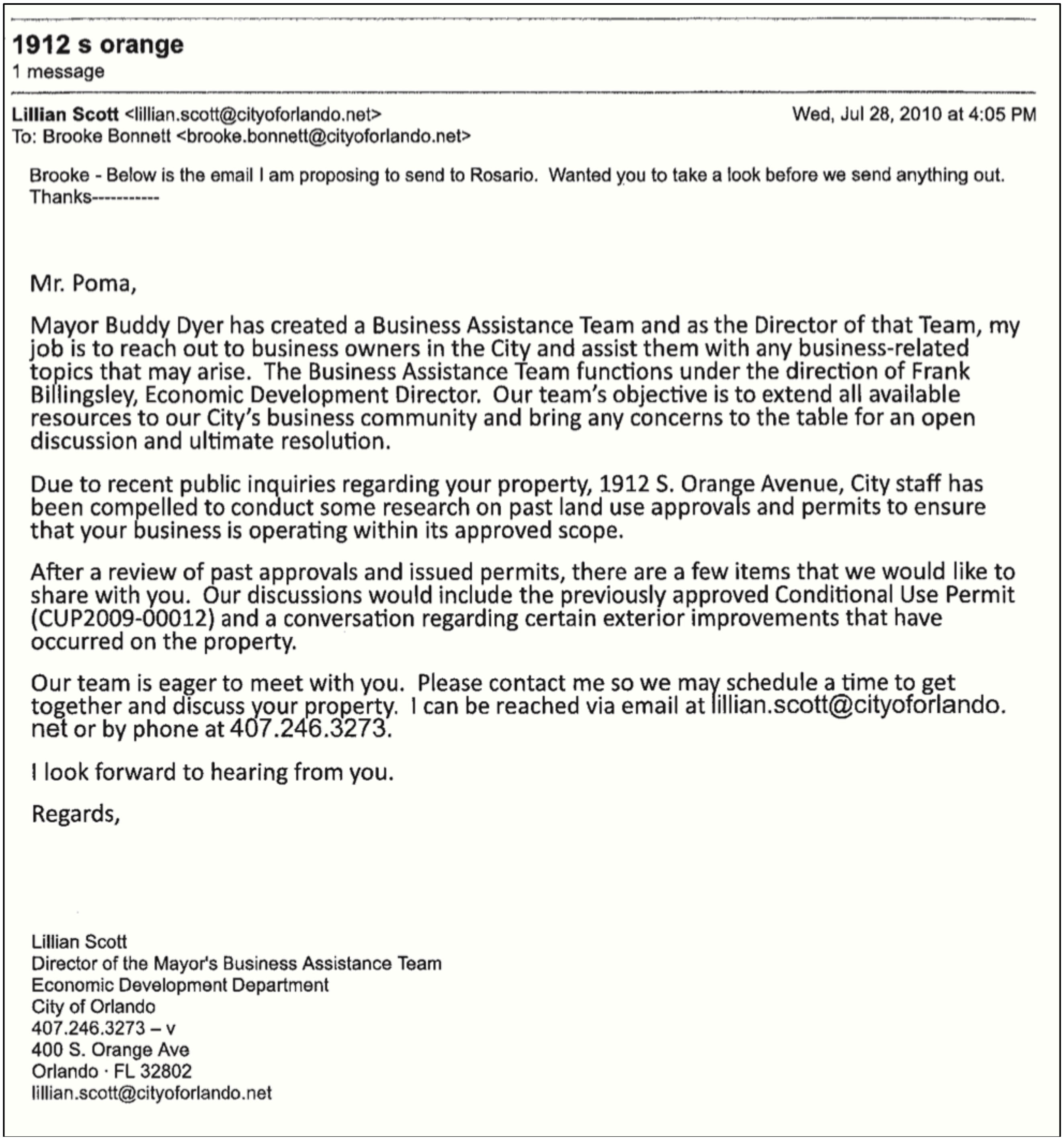
Our team is eager to meet with you. Please contact me so we may schedule a time to get together and discuss your property. I can be reached via email at lillian.scott@cityoforlando.net or by phone at 407.246.3273.

I look forward to hearing from you.

Regards,

Lillian Scott
Director of the Mayor's Business Assistance Team
Economic Development Department
City of Orlando
407.246.3273 – v
400 S. Orange Ave
Orlando · FL 32802
lillian.scott@cityoforlando.net

This version of the same letter was also released by the City of Orlando on its public records release page:



1912 s orange
1 message

Lillian Scott <lillian.scott@cityoforlando.net> Wed, Jul 28, 2010 at 4:05 PM
To: Brooke Bonnett <brooke.bonnett@cityoforlando.net>

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I look forward to hearing from you.

Regards,

Lillian Scott
Director of the Mayor's Business Assistance Team
Economic Development Department
City of Orlando
407.246.3273 – v
400 S. Orange Ave
Orlando · FL 32802
lillian.scott@cityoforlando.net

1.5 Letter From Dean Grandin, “Significant change in use to that approved by the Municipal Planning Board”

In 2004, Dean Grandin, Planning Director, wrote the following letter to Pulse co-owner Rosario Poma.

Grandin states that **Pulse was not approved to operate as a nightclub**.

Even though this letter was written in 2004, the conditional use permit was never amended, a new conditional use permit was never applied for, and the nightclub was reported to have been in violation of its CUP to the City of Orlando again in 2010 (see *1.10 Violation: Operating as a Bar/Nightclub* and *1.11: Violation: Conditional Use Permit*).

In addition, the letter also states that the wall facing the street (South Orange Avenue) must contain 15% transparent materials.

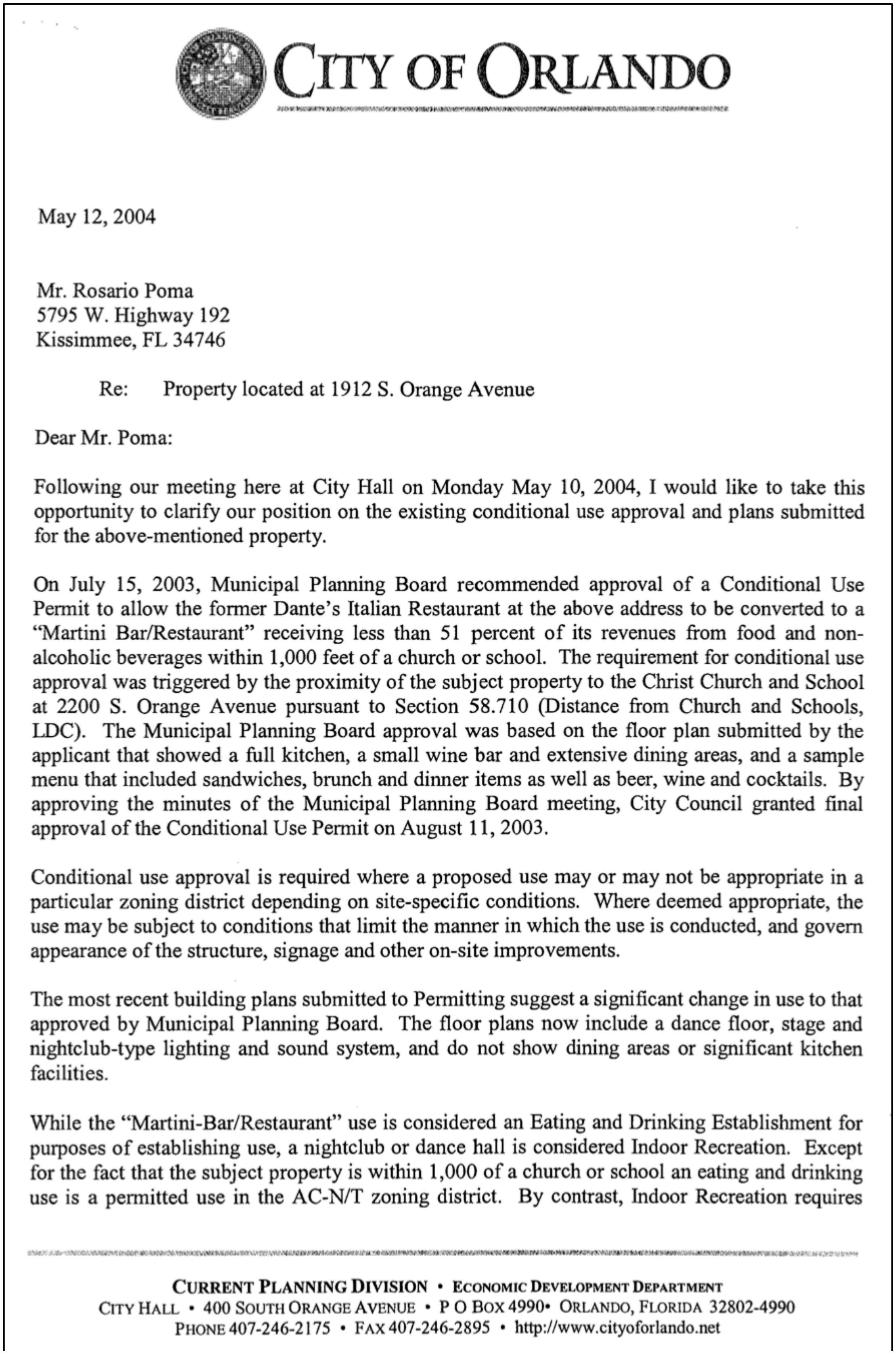
Windows facing Orange Avenue appear to have been walled over and also blocked by the outdoor patio and bar (see *2.13 After Photos: Pulse After the Shooting*).

Documents also show that the lack of proper windows encumbered escape and rescue:

1. survivors have stated the lack of windows and doors affected their escape (see *2.13 Unpermitted Renovations: Obstacles for Escape*); and

2. windows would have helped bring some light into the interior of the building (which was painted black) helping both victims and first responders navigate their escape and see in the darkened conditions of the nightclub;

3. first responders broke the only accessible window in the building (located on the south side of the Building facing West Esther Street) to gain entry into the nightclub during the shooting. If the required windows existed at the time of the shooting, law enforcement officers would have had additional entry points to the building, as well as spaces through which visualize the layout of the building and the locations of hostages and the shooter during the three-hour long incident.



CITY OF ORLANDO

May 12, 2004

Mr. Rosario Poma
5795 W. Highway 192
Kissimmee, FL 34746

Re: Property located at 1912 S. Orange Avenue

Dear Mr. Poma:

Following our meeting here at City Hall on Monday May 10, 2004, I would like to take this opportunity to clarify our position on the existing conditional use approval and plans submitted for the above-mentioned property.

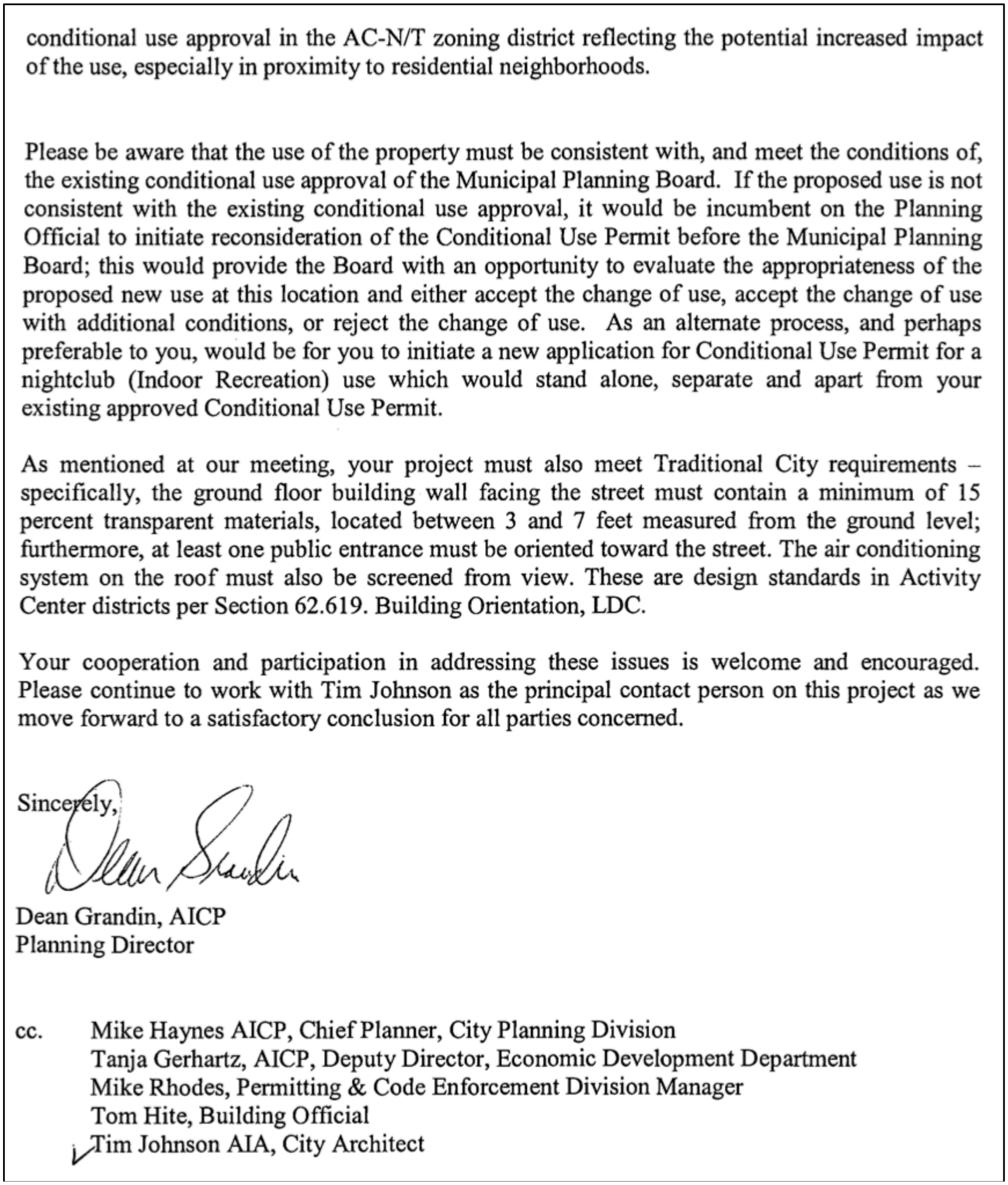
On July 15, 2003, Municipal Planning Board recommended approval of a Conditional Use Permit to allow the former Dante's Italian Restaurant at the above address to be converted to a "Martini Bar/Restaurant" receiving less than 51 percent of its revenues from food and non-alcoholic beverages within 1,000 feet of a church or school. The requirement for conditional use approval was triggered by the proximity of the subject property to the Christ Church and School at 2200 S. Orange Avenue pursuant to Section 58.710 (Distance from Church and Schools, LDC). The Municipal Planning Board approval was based on the floor plan submitted by the applicant that showed a full kitchen, a small wine bar and extensive dining areas, and a sample menu that included sandwiches, brunch and dinner items as well as beer, wine and cocktails. By approving the minutes of the Municipal Planning Board meeting, City Council granted final approval of the Conditional Use Permit on August 11, 2003.

Conditional use approval is required where a proposed use may or may not be appropriate in a particular zoning district depending on site-specific conditions. Where deemed appropriate, the use may be subject to conditions that limit the manner in which the use is conducted, and govern appearance of the structure, signage and other on-site improvements.

The most recent building plans submitted to Permitting suggest a significant change in use to that approved by Municipal Planning Board. The floor plans now include a dance floor, stage and nightclub-type lighting and sound system, and do not show dining areas or significant kitchen facilities.

While the "Martini-Bar/Restaurant" use is considered an Eating and Drinking Establishment for purposes of establishing use, a nightclub or dance hall is considered Indoor Recreation. Except for the fact that the subject property is within 1,000 of a church or school an eating and drinking use is a permitted use in the AC-N/T zoning district. By contrast, Indoor Recreation requires

CURRENT PLANNING DIVISION • ECONOMIC DEVELOPMENT DEPARTMENT
CITY HALL • 400 SOUTH ORANGE AVENUE • P O BOX 4990• ORLANDO, FLORIDA 32802-4990
PHONE 407-246-2175 • FAX 407-246-2895 • http://www.cityoforlando.net



conditional use approval in the AC-N/T zoning district reflecting the potential increased impact of the use, especially in proximity to residential neighborhoods.

Please be aware that the use of the property must be consistent with, and meet the conditions of, the existing conditional use approval of the Municipal Planning Board. If the proposed use is not consistent with the existing conditional use approval, it would be incumbent on the Planning Official to initiate reconsideration of the Conditional Use Permit before the Municipal Planning Board; this would provide the Board with an opportunity to evaluate the appropriateness of the proposed new use at this location and either accept the change of use, accept the change of use with additional conditions, or reject the change of use. As an alternate process, and perhaps preferable to you, would be for you to initiate a new application for Conditional Use Permit for a nightclub (Indoor Recreation) use which would stand alone, separate and apart from your existing approved Conditional Use Permit.

As mentioned at our meeting, your project must also meet Traditional City requirements – specifically, the ground floor building wall facing the street must contain a minimum of 15 percent transparent materials, located between 3 and 7 feet measured from the ground level; furthermore, at least one public entrance must be oriented toward the street. The air conditioning system on the roof must also be screened from view. These are design standards in Activity Center districts per Section 62.619. Building Orientation, LDC.

Your cooperation and participation in addressing these issues is welcome and encouraged. Please continue to work with Tim Johnson as the principal contact person on this project as we move forward to a satisfactory conclusion for all parties concerned.

Sincerely,

Dean Grandin, AICP
Planning Director

cc. Mike Haynes AICP, Chief Planner, City Planning Division
Tanja Gerhartz, AICP, Deputy Director, Economic Development Department
Mike Rhodes, Permitting & Code Enforcement Division Manager
Tom Hite, Building Official
✓ Tim Johnson AIA, City Architect

1.6 Rosario Poma Tells City He Will Remove Dance Floor

In a response letter to the City of Orlando written by Pulse co-owner Rosario Poma on May 13, 2004, Mr. Poma claimed that he would remove the dance floor and submit new floor plans to be in compliance with zoning regulations and the conditions of Pulse's conditional-use permit (see, *3.1: CUP2003-00012*).

The dance floor was never removed and existed at the time of the shooting, showing that Pulse owners always intended Pulse to be a nightclub and dance hall and had no intention of complying with the law.

Also, windows that were required by the City of Orlando to achieve a mandatory 15% transparency in the front of the building (see #1 in the following letter) were walled-over and further blocked by the outdoor patio bar (see photos in *2.13 After Photos: Pulse After the Shooting*).

As stated in the previous section, the lack of windows impeded both escape and rescue. Survivors mentioned being disoriented due to the lack of windows and doors.[3]

During the shooting, trapped survivors had to be pulled out of holes in the building's concrete walls created by the SWAT team by removing an air conditioning unit and breaching the north west wall using a "BearCat" armored vehicle.

Police records and photos taken directly after the shooting provide evidence that there were **no windows in the main bar, dance floor (The Jewel Box), or the Adonis Room**.

Additional windows, like the ones required to be present on the wall facing South Orange Avenue to achieve 15% transparency could have provided additional entry and access points if they were present—much like the one large window in the unpermitted reception area that was busted open by law enforcement to gain entry into the building.

Pulse owners ultimately did not comply with the building codes outlined in the following letter.

Furthermore, the main dance floor, **which was in violation** of the business's conditional use permit, **was where most victims were shot and murdered.** Had the laws been enforced, people would not have been congregating in this space while dancing to the DJ's music.

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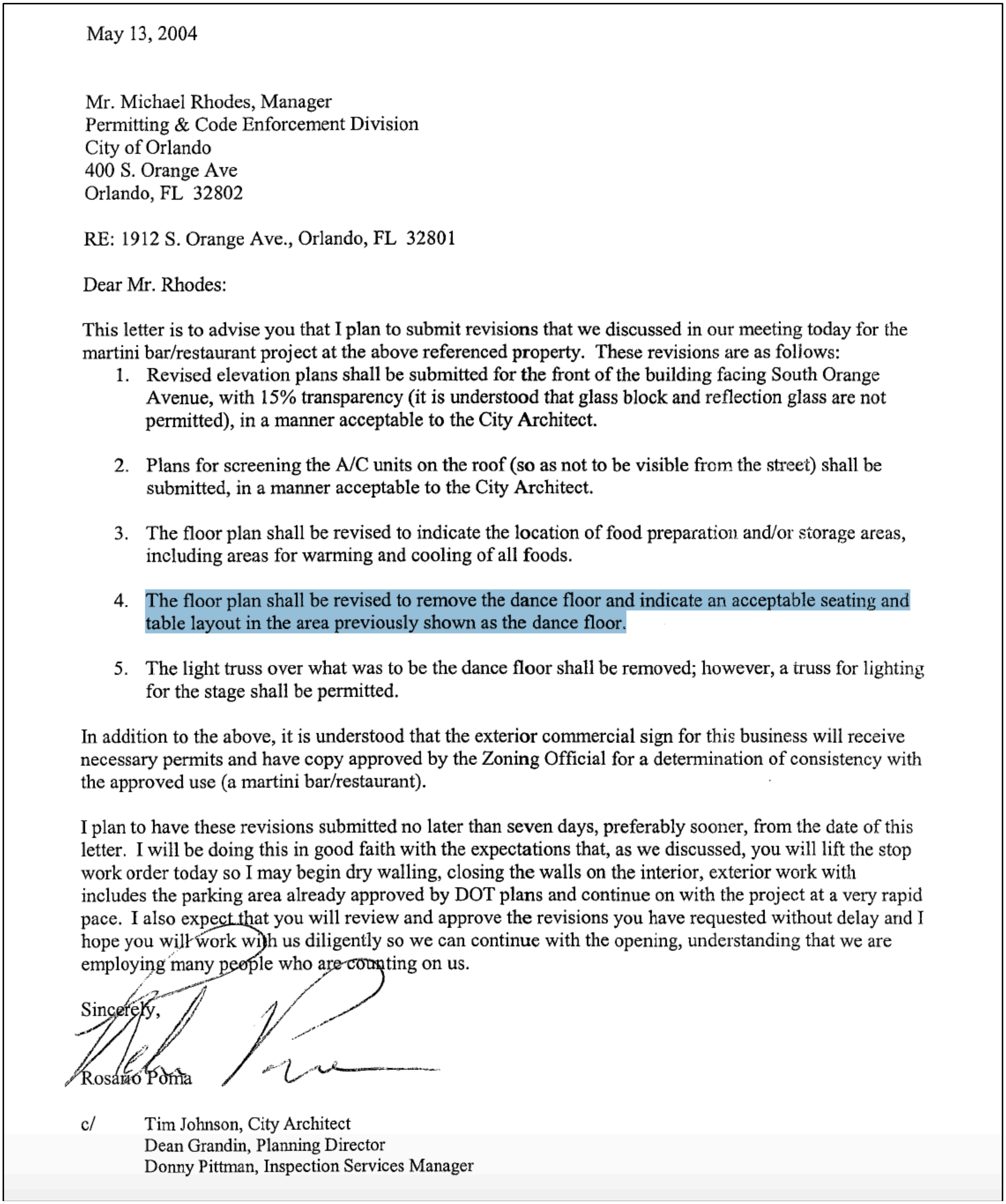
[3] https://www.youtube.com/watch?v=VYq6UvYSaaY&t=56s



May 13, 2004

Mr. Michael Rhodes, Manager
Permitting & Code Enforcement Division
City of Orlando
400 S. Orange Ave
Orlando, FL 32802

RE: 1912 S. Orange Ave., Orlando, FL 32801

Dear Mr. Rhodes:

This letter is to advise you that I plan to submit revisions that we discussed in our meeting today for the martini bar/restaurant project at the above referenced property. These revisions are as follows:

1. Revised elevation plans shall be submitted for the front of the building facing South Orange Avenue, with 15% transparency (it is understood that glass block and reflection glass are not permitted), in a manner acceptable to the City Architect.

2. Plans for screening the A/C units on the roof (so as not to be visible from the street) shall be submitted, in a manner acceptable to the City Architect.

3. The floor plan shall be revised to indicate the location of food preparation and/or storage areas, including areas for warming and cooling of all foods.

4. The floor plan shall be revised to remove the dance floor and indicate an acceptable seating and table layout in the area previously shown as the dance floor.

5. The light truss over what was to be the dance floor shall be removed; however, a truss for lighting for the stage shall be permitted.

In addition to the above, it is understood that the exterior commercial sign for this business will receive necessary permits and have copy approved by the Zoning Official for a determination of consistency with the approved use (a martini bar/restaurant).

I plan to have these revisions submitted no later than seven days, preferably sooner, from the date of this letter. I will be doing this in good faith with the expectations that, as we discussed, you will lift the stop work order today so I may begin dry walling, closing the walls on the interior, exterior work with includes the parking area already approved by DOT plans and continue on with the project at a very rapid pace. I also expect that you will review and approve the revisions you have requested without delay and I hope you will work with us diligently so we can continue with the opening, understanding that we are employing many people who are counting on us.

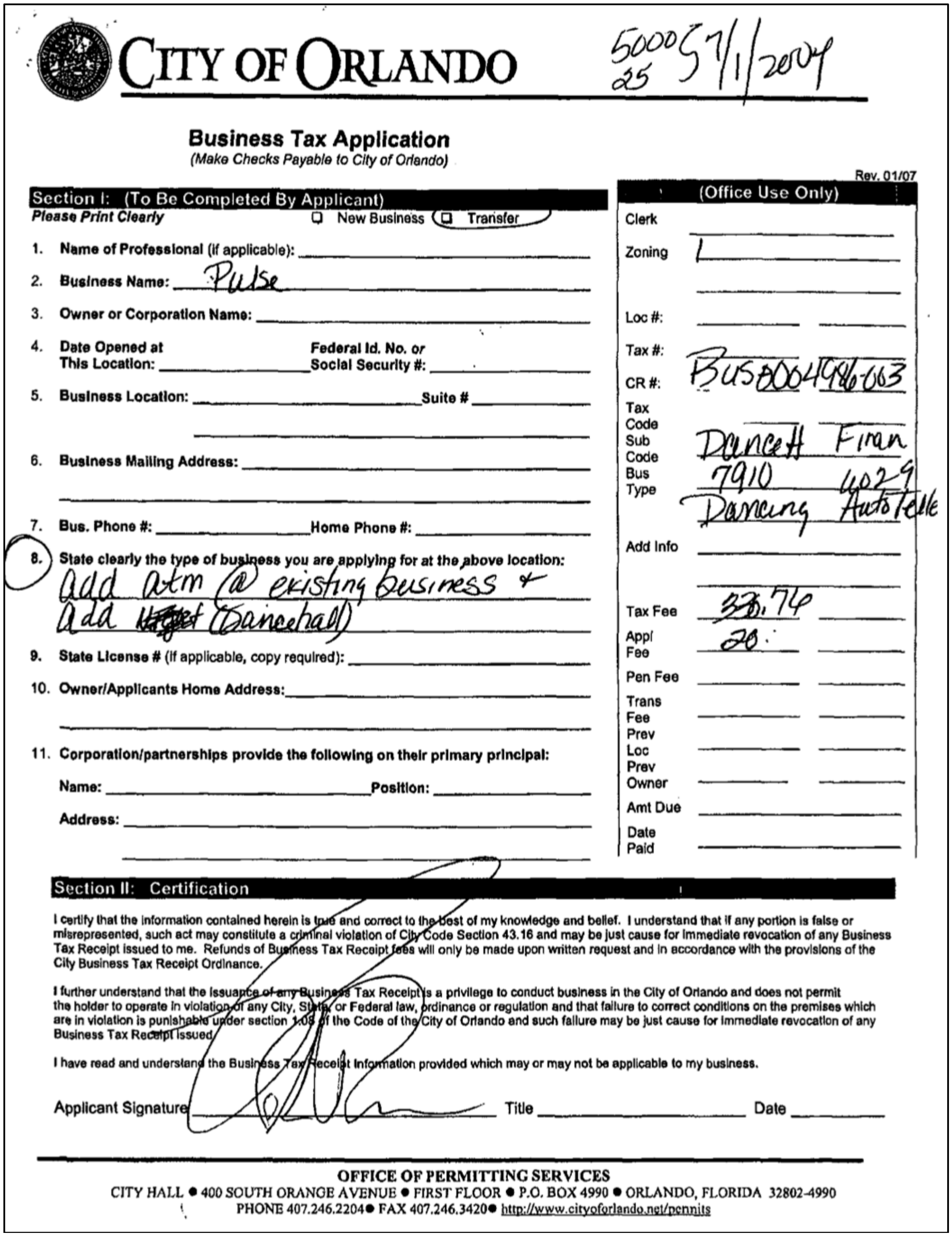
Sincerely,

Rosario Poma

c/ Tim Johnson, City Architect
Dean Grandin, Planning Director
Donny Pittman, Inspection Services Manager

1.7 “Dance Hall” Added to Business Tax Application

On July 1, 2005, Pulse co-owner Rosario Poma added “Dance Hall” to the business tax application, even though the City of Orlando previously requested that he remove the dance floor and notified him that the business’s Conditional Use Permit did not allow for a dance floor. This improper addition of “dance floor” was cited on the City of Orlando’s code enforcement incidents record (see *1.7 Code Enforcement Incident Records*), but “dancehall” continued to appear on business tax receipts.



CITY OF ORLANDO 5000 25 5 7/1/2004

Business Tax Application
(Make Checks Payable to City of Orlando)

Rev. 01/07

Section I: (To Be Completed By Applicant)
Please Print Clearly ☐ New Business [✓ ☐ Transfer]

1. Name of Professional (if applicable):
2. Business Name: Pulse
3. Owner or Corporation Name:
4. Date Opened at This Location: Federal Id. No. or Social Security #:
5. Business Location: Suite #
6. Business Mailing Address:
7. Bus. Phone #: Home Phone #:
8. State clearly the type of business you are applying for at the above location: add atm @ existing business & add ~~[illegible]~~ (Dancehall)
9. State License # (if applicable, copy required):
10. Owner/Applicants Home Address:
11. Corporation/partnerships provide the following on their primary principal:
Name: Position:
Address:

(Office Use Only)

Clerk
Zoning /
Loc #:
Tax #:
CR #: Bus004986-063
Tax Code
Sub Code DanceH Finan
Bus Type 7910 4029
Dancing AutoTelle
Add Info
Tax Fee 33.74
Appl Fee 20.
Pen Fee
Trans Fee
Prev Loc
Prev Owner
Amt Due
Date Paid

Section II: Certification

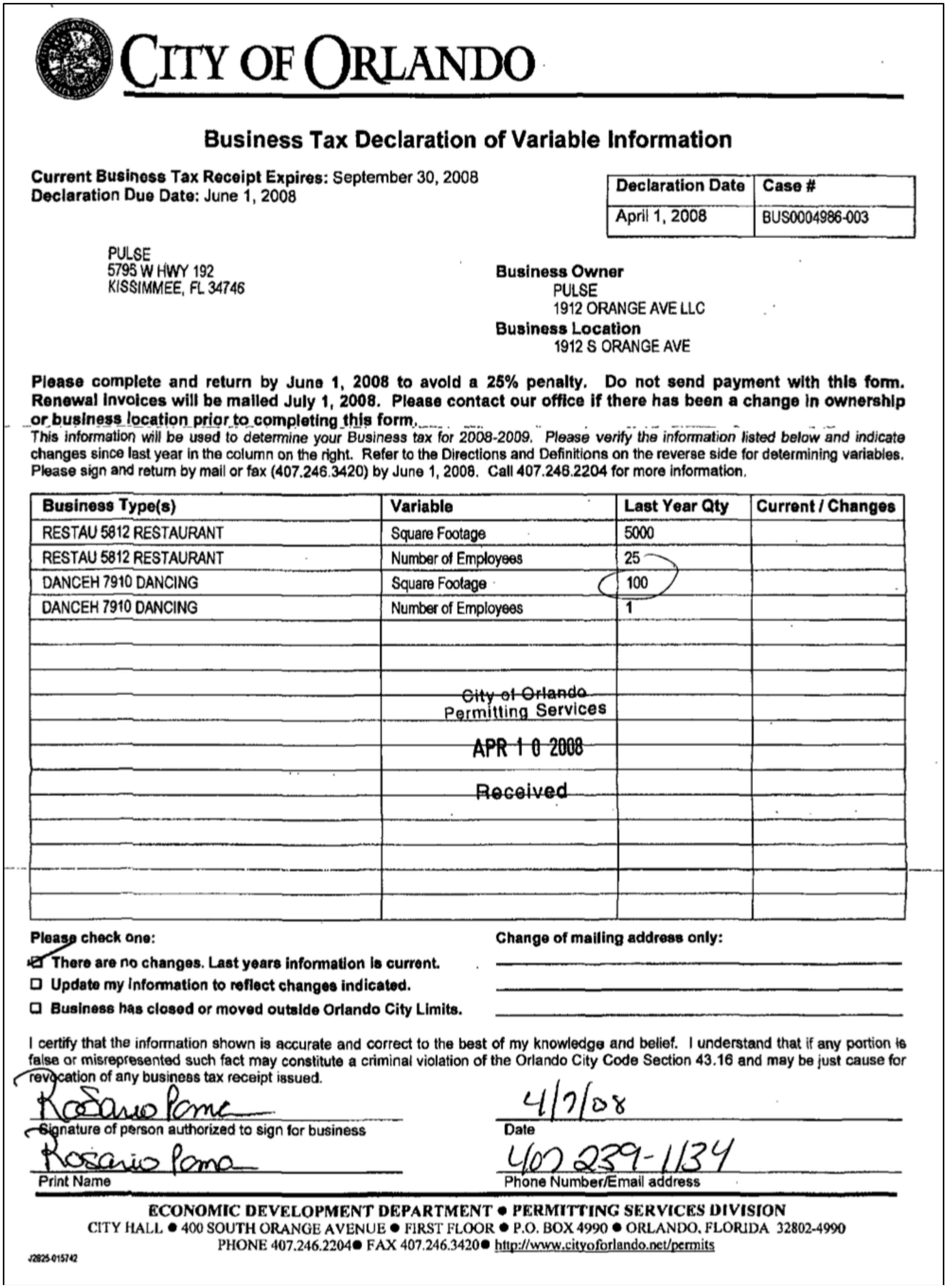
I certify that the information contained herein is true and correct to the best of my knowledge and belief. I understand that if any portion is false or misrepresented, such act may constitute a criminal violation of City Code Section 43.16 and may be just cause for immediate revocation of any Business Tax Receipt issued to me. Refunds of Business Tax Receipt fees will only be made upon written request and in accordance with the provisions of the City Business Tax Receipt Ordinance.

I further understand that the issuance of any Business Tax Receipt is a privilege to conduct business in the City of Orlando and does not permit the holder to operate in violation of any City, State, or Federal law, ordinance or regulation and that failure to correct conditions on the premises which are in violation is punishable under section 1.08 of the Code of the City of Orlando and such failure may be just cause for immediate revocation of any Business Tax Receipt issued.

I have read and understand the Business Tax Receipt Information provided which may or may not be applicable to my business.

Applicant Signature Title Date

OFFICE OF PERMITTING SERVICES
CITY HALL ● 400 SOUTH ORANGE AVENUE ● FIRST FLOOR ● P.O. BOX 4990 ● ORLANDO, FLORIDA 32802-4990
PHONE 407.246.2204● FAX 407.246.3420● http://www.cityoforlando.net/permits



CITY OF ORLANDO

Business Tax Declaration of Variable Information

Current Business Tax Receipt Expires: September 30, 2008
Declaration Due Date: June 1, 2008

Declaration Date	Case #
April 1, 2008	BUS0004986-003

PULSE
5795 W HWY 192
KISSIMMEE, FL 34746

Business Owner
PULSE
1912 ORANGE AVE LLC
Business Location
1912 S ORANGE AVE

Please complete and return by June 1, 2008 to avoid a 25% penalty. Do not send payment with this form. Renewal invoices will be mailed July 1, 2008. Please contact our office if there has been a change in ownership or business location prior to completing this form.
This information will be used to determine your Business tax for 2008-2009. Please verify the information listed below and indicate changes since last year in the column on the right. Refer to the Directions and Definitions on the reverse side for determining variables. Please sign and return by mail or fax (407.246.3420) by June 1, 2008. Call 407.246.2204 for more information.

Business Type(s)	Variable	Last Year Qty	Current / Changes
RESTAU 5812 RESTAURANT	Square Footage	5000	
RESTAU 5812 RESTAURANT	Number of Employees	25	
DANCEH 7910 DANCING	Square Footage	100	
DANCEH 7910 DANCING	Number of Employees	1	

City of Orlando
Permitting Services
APR 10 2008
Received

Please check one:
- ☑ **There are no changes. Last years information is current.**
- ☐ **Update my information to reflect changes indicated.**
- ☐ **Business has closed or moved outside Orlando City Limits.**

Change of mailing address only:

I certify that the information shown is accurate and correct to the best of my knowledge and belief. I understand that if any portion is false or misrepresented such fact may constitute a criminal violation of the Orlando City Code Section 43.16 and may be just cause for revocation of any business tax receipt issued.

Rosario Poma
Signature of person authorized to sign for business

4/7/08
Date

Rosario Poma
Print Name

407 239-1134
Phone Number/Email address

ECONOMIC DEVELOPMENT DEPARTMENT ● PERMITTING SERVICES DIVISION
CITY HALL ● 400 SOUTH ORANGE AVENUE ● FIRST FLOOR ● P.O. BOX 4990 ● ORLANDO, FLORIDA 32802-4990
PHONE 407.246.2204● FAX 407.246.3420● http://www.cityoforlando.net/permits

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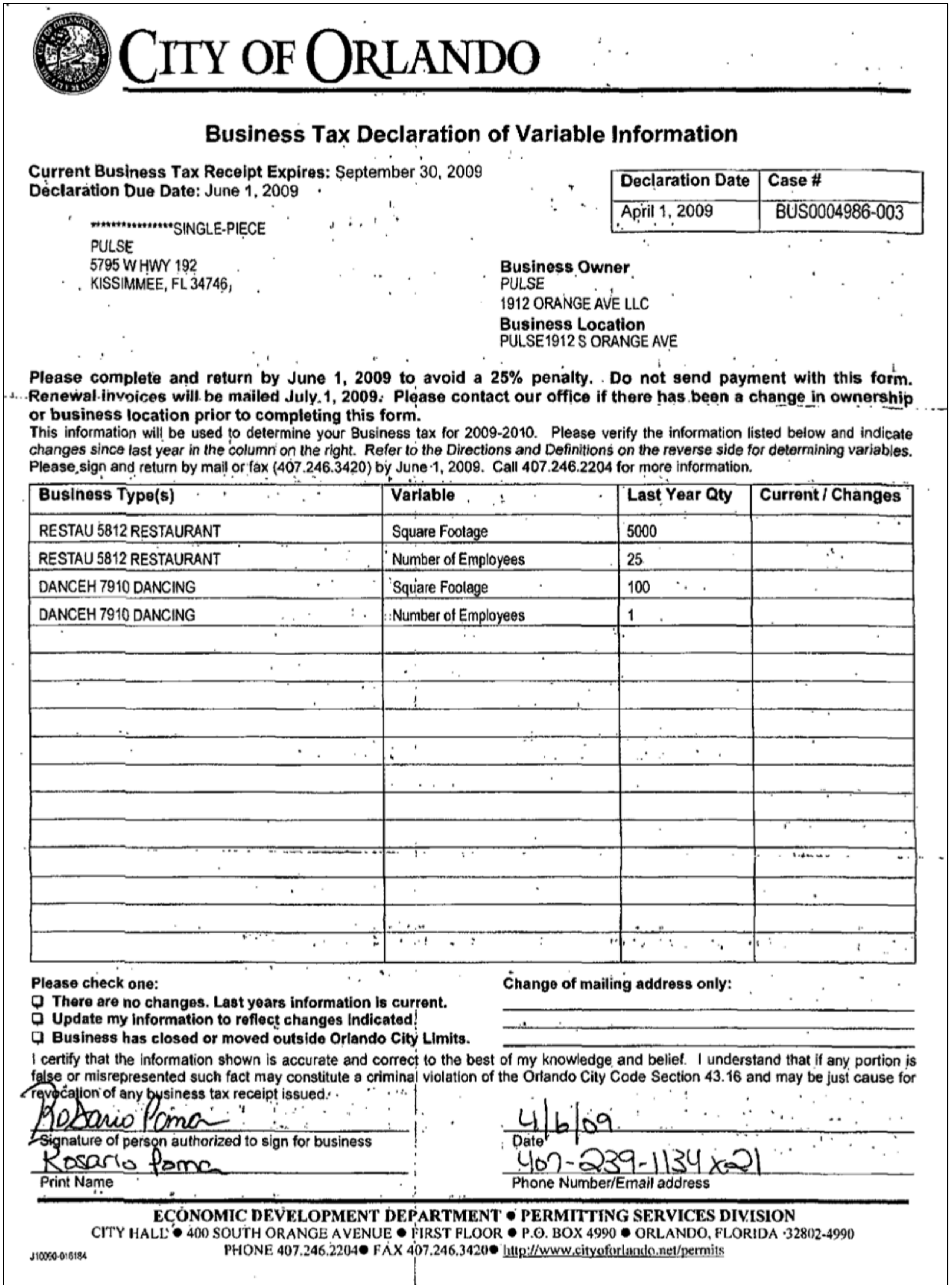

CITY OF ORLANDO

Business Tax Declaration of Variable Information

Current Business Tax Receipt Expires: September 30, 2009
Declaration Due Date: June 1, 2009

Declaration Date	Case #
April 1, 2009	BUS0004986-003

****************SINGLE-PIECE
PULSE
5795 W HWY 192
KISSIMMEE, FL 34746

Business Owner
PULSE
1912 ORANGE AVE LLC
Business Location
PULSE1912 S ORANGE AVE

Please complete and return by June 1, 2009 to avoid a 25% penalty. Do not send payment with this form. Renewal invoices will be mailed July 1, 2009. Please contact our office if there has been a change in ownership or business location prior to completing this form.
This information will be used to determine your Business tax for 2009-2010. Please verify the information listed below and indicate *changes since last year in the column on the right. Refer to the Directions and Definitions on the reverse side for determining variables.* Please sign and return by mail or fax (407.246.3420) by June 1, 2009. Call 407.246.2204 for more information.

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I certify that the information shown is accurate and correct to the best of my knowledge and belief. I understand that if any portion is false or misrepresented such fact may constitute a criminal violation of the Orlando City Code Section 43.16 and may be just cause for revocation of any business tax receipt issued.

Rosario Poma
Signature of person authorized to sign for business

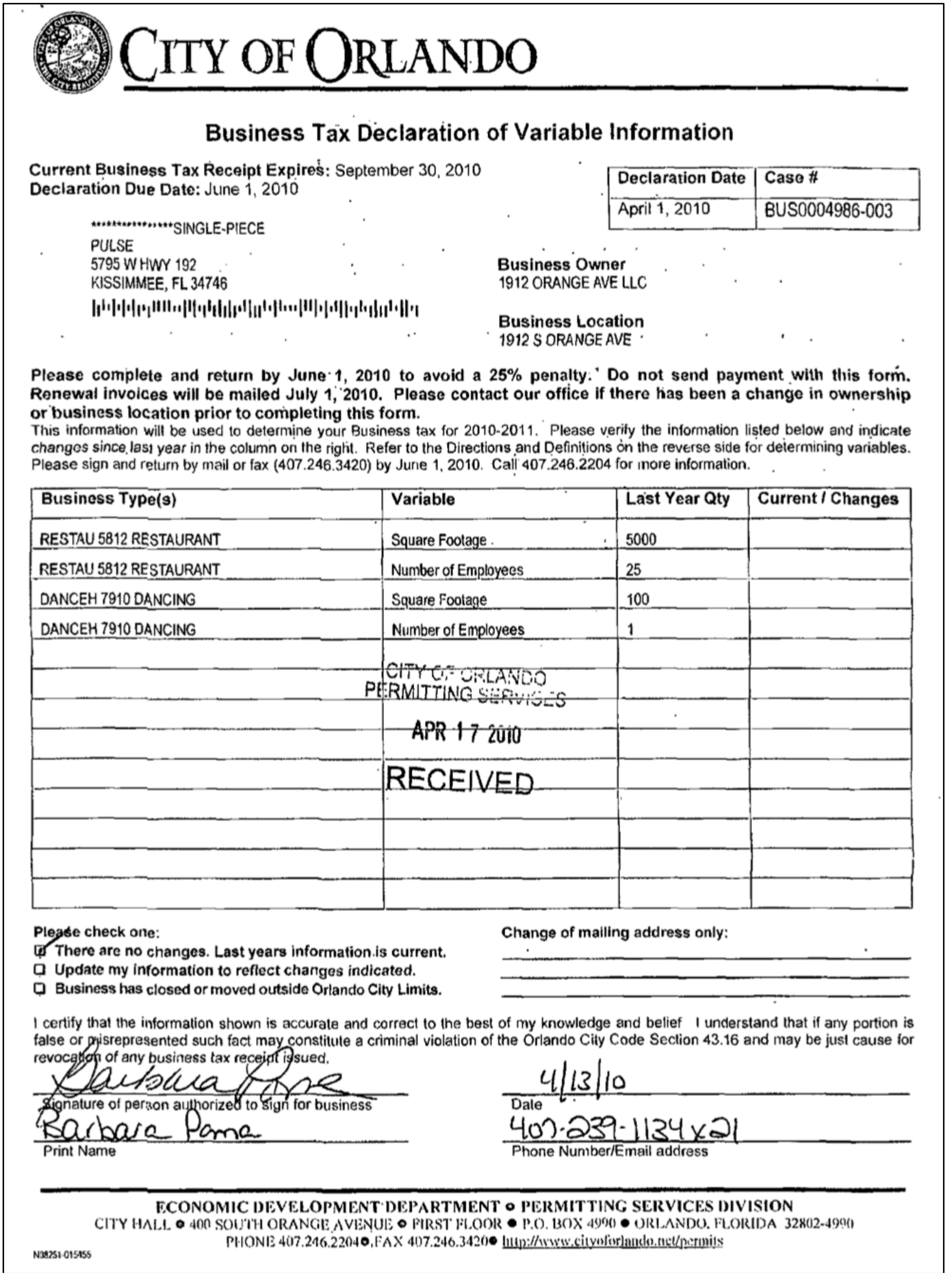
4/6/09
Date

Rosario Poma
Print Name

407-239-1134 x21
Phone Number/Email address

ECONOMIC DEVELOPMENT DEPARTMENT ● PERMITTING SERVICES DIVISION
CITY HALL ● 400 SOUTH ORANGE AVENUE ● FIRST FLOOR ● P.O. BOX 4990 ● ORLANDO, FLORIDA 32802-4990
PHONE 407.246.2204● FAX 407.246.3420● http://www.cityoforlando.net/permits

J10050-016184



CITY OF ORLANDO

Business Tax Declaration of Variable Information

Current Business Tax Receipt Expires: September 30, 2010
Declaration Due Date: June 1, 2010

Declaration Date	Case #
April 1, 2010	BUS0004986-003

***************SINGLE-PIECE
PULSE
5795 W HWY 192
KISSIMMEE, FL 34746

Business Owner
1912 ORANGE AVE LLC

Business Location
1912 S ORANGE AVE

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DANCEH 7910 DANCING	Square Footage	100	
DANCEH 7910 DANCING	Number of Employees	1	

CITY OF ORLANDO
PERMITTING SERVICES
APR 17 2010
RECEIVED

Please check one:
- ☑ **There are no changes. Last years information is current.**
- ☐ **Update my information to reflect changes indicated.**
- ☐ **Business has closed or moved outside Orlando City Limits.**

Change of mailing address only:

I certify that the information shown is accurate and correct to the best of my knowledge and belief. I understand that if any portion is false or misrepresented such fact may constitute a criminal violation of the Orlando City Code Section 43.16 and may be just cause for revocation of any business tax receipt issued.

Signature of person authorized to sign for business

4/13/10
Date

Barbara Pama
Print Name

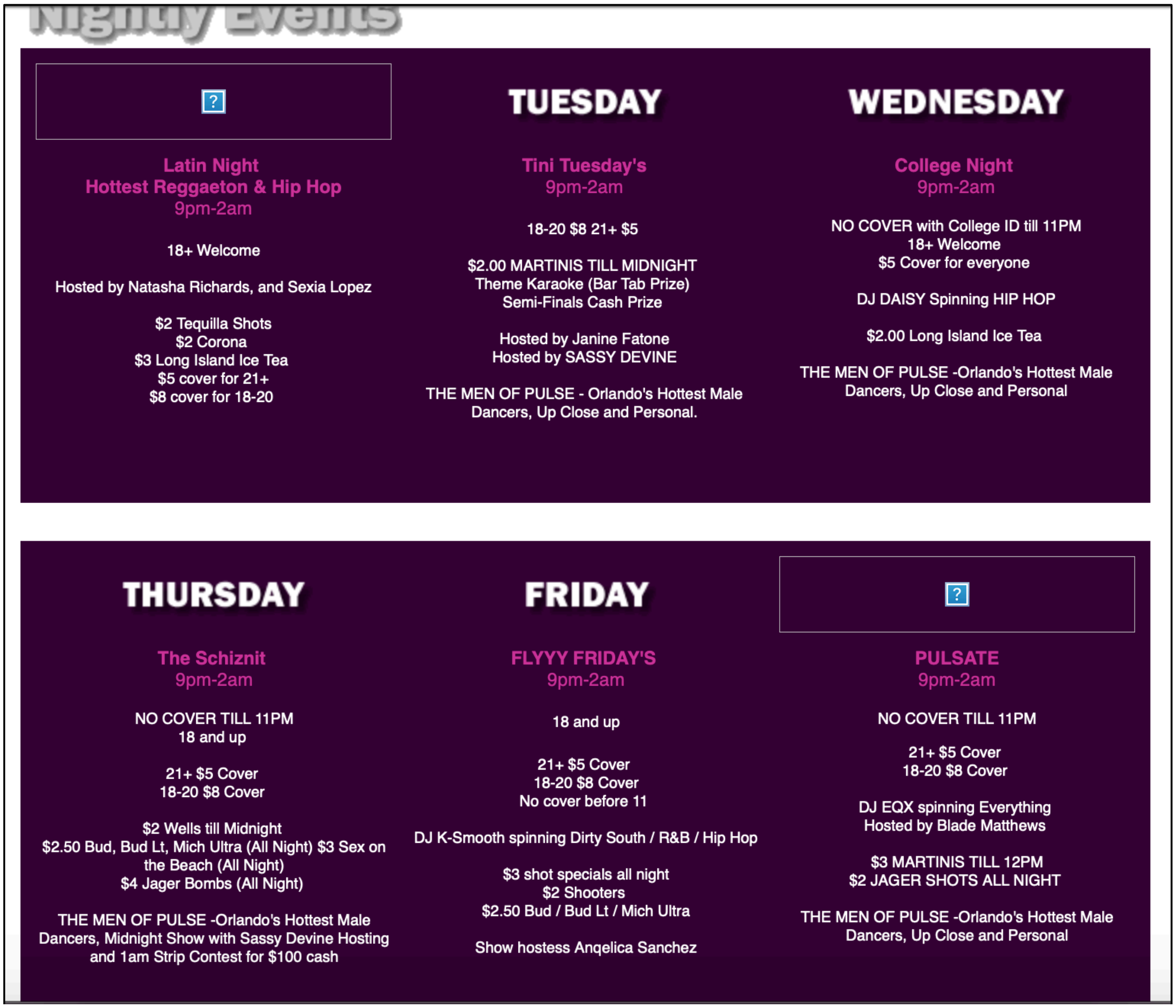
407-239-1134 x21
Phone Number/Email address

ECONOMIC DEVELOPMENT DEPARTMENT ● PERMITTING SERVICES DIVISION
CITY HALL ● 400 SOUTH ORANGE AVENUE ● FIRST FLOOR ● P.O. BOX 4990 ● ORLANDO, FLORIDA 32802-4990
PHONE 407.246.2204 ● FAX 407.246.3420 ● http://www.cityoforlando.net/permits

N08251-015455

1.8 Regular Cover Charges Were in Violation of CUP2003-00012

Pulse's conditional use permit (CUP2003-00012) did not allow Pulse owners Barbara Poma and Rosario Poma to charge cover charges on a regular basis. It only allowed them to collect cover charges for special events. The owners disobeyed this stipulation for years. A $10 cover was charged on the night of the shooting, which most victims paid.[4]



Latin Night
Hottest Reggaeton & Hip Hop
9pm-2am

18+ Welcome

Hosted by Natasha Richards, and Sexia Lopez

$2 Tequilla Shots
$2 Corona
$3 Long Island Ice Tea
$5 cover for 21+
$8 cover for 18-20

TUESDAY

Tini Tuesday's
9pm-2am

18-20 $8 21+ $5

$2.00 MARTINIS TILL MIDNIGHT
Theme Karaoke (Bar Tab Prize)
Semi-Finals Cash Prize

Hosted by Janine Fatone
Hosted by SASSY DEVINE

THE MEN OF PULSE - Orlando's Hottest Male Dancers, Up Close and Personal.

WEDNESDAY

College Night
9pm-2am

NO COVER with College ID till 11PM
18+ Welcome
$5 Cover for everyone

DJ DAISY Spinning HIP HOP

$2.00 Long Island Ice Tea

THE MEN OF PULSE -Orlando's Hottest Male Dancers, Up Close and Personal

THURSDAY

The Schiznit
9pm-2am

NO COVER TILL 11PM
18 and up

21+ $5 Cover
18-20 $8 Cover

$2 Wells till Midnight
$2.50 Bud, Bud Lt, Mich Ultra (All Night) $3 Sex on the Beach (All Night)
$4 Jager Bombs (All Night)

THE MEN OF PULSE -Orlando's Hottest Male Dancers, Midnight Show with Sassy Devine Hosting and 1am Strip Contest for $100 cash

FRIDAY

FLYYY FRIDAY'S
9pm-2am

18 and up

21+ $5 Cover
18-20 $8 Cover
No cover before 11

DJ K-Smooth spinning Dirty South / R&B / Hip Hop

$3 shot specials all night
$2 Shooters
$2.50 Bud / Bud Lt / Mich Ultra

Show hostess Angelica Sanchez

PULSATE
9pm-2am

NO COVER TILL 11PM

21+ $5 Cover
18-20 $8 Cover

DJ EQX spinning Everything
Hosted by Blade Matthews

$3 MARTINIS TILL 12PM
$2 JAGER SHOTS ALL NIGHT

THE MEN OF PULSE -Orlando's Hottest Male Dancers, Up Close and Personal

Figure 2: This screenshot of the Pulse website from June 14, 2007 shows how Pulse owners charged admission fees on a nightly basis in violation of CUP 2003-00012. This screenshot was taken using the Wayback Machine.

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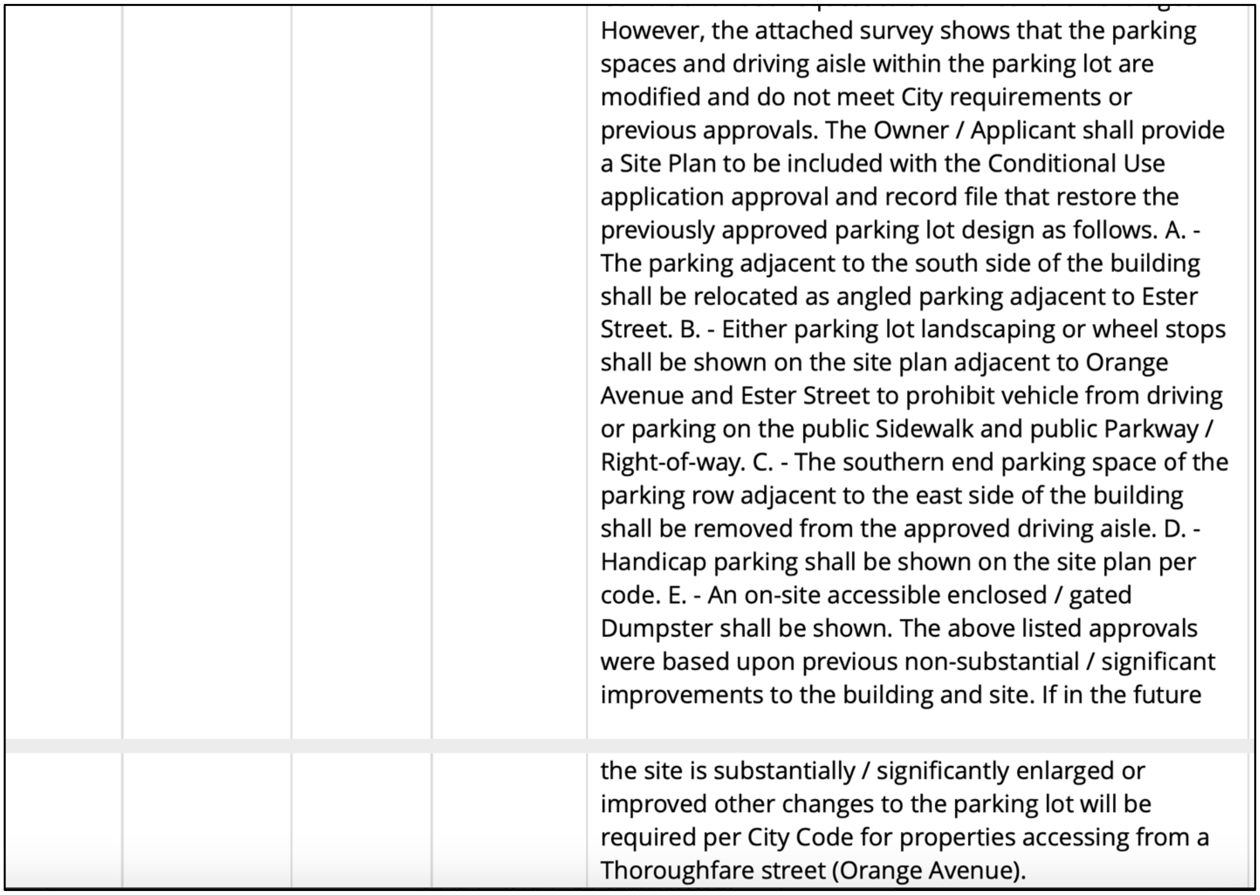
[4] Pulse survivor Patience Carter discussed a $10 cover charge during her account of the shooting at a press conference: https://www.youtube.com/watch?v=jzxR6tGXvEk; Chris Hansen also discusses having to pay a $10 cover https://www.theguardian.com/us-news/2016/jun/18/orlando-nightlcub-shooting-pulse-florida-attack-timeline

1.9 Transportation Engineer Review (May 21, 2003)

Review by a transportation engineer (City of Orlando) saw that the Pulse parking lot had been modified and recommended that the conditional-use permit be denied and that the parking lot be restored to the approved design. The Transportation Engineer also noted, “If in the future the site is substantially/significantly enlarged or improved other changes to the parking lot will be required per city code for properties accessing from a [t]horoughfare street (Orange Avenue).”



However, the attached survey shows that the parking spaces and driving aisle within the parking lot are modified and do not meet City requirements or previous approvals. The Owner / Applicant shall provide a Site Plan to be included with the Conditional Use application approval and record file that restore the previously approved parking lot design as follows. A. - The parking adjacent to the south side of the building shall be relocated as angled parking adjacent to Ester Street. B. - Either parking lot landscaping or wheel stops shall be shown on the site plan adjacent to Orange Avenue and Ester Street to prohibit vehicle from driving or parking on the public Sidewalk and public Parkway / Right-of-way. C. - The southern end parking space of the parking row adjacent to the east side of the building shall be removed from the approved driving aisle. D. - Handicap parking shall be shown on the site plan per code. E. - An on-site accessible enclosed / gated Dumpster shall be shown. The above listed approvals were based upon previous non-substantial / significant improvements to the building and site. If in the future the site is substantially / significantly enlarged or improved other changes to the parking lot will be required per City Code for properties accessing from a Thoroughfare street (Orange Avenue).

Figure 3: Screenshot of CUP2003-00012 information obtained through the City of Orlando’s permit search website, https://permitlookup.cityoforlando.net/WebPermits/.

As noted in ***Part II: Unpermitted Renovations***, the Pulse building was remodeled and improved substantially with no consideration given to city code.

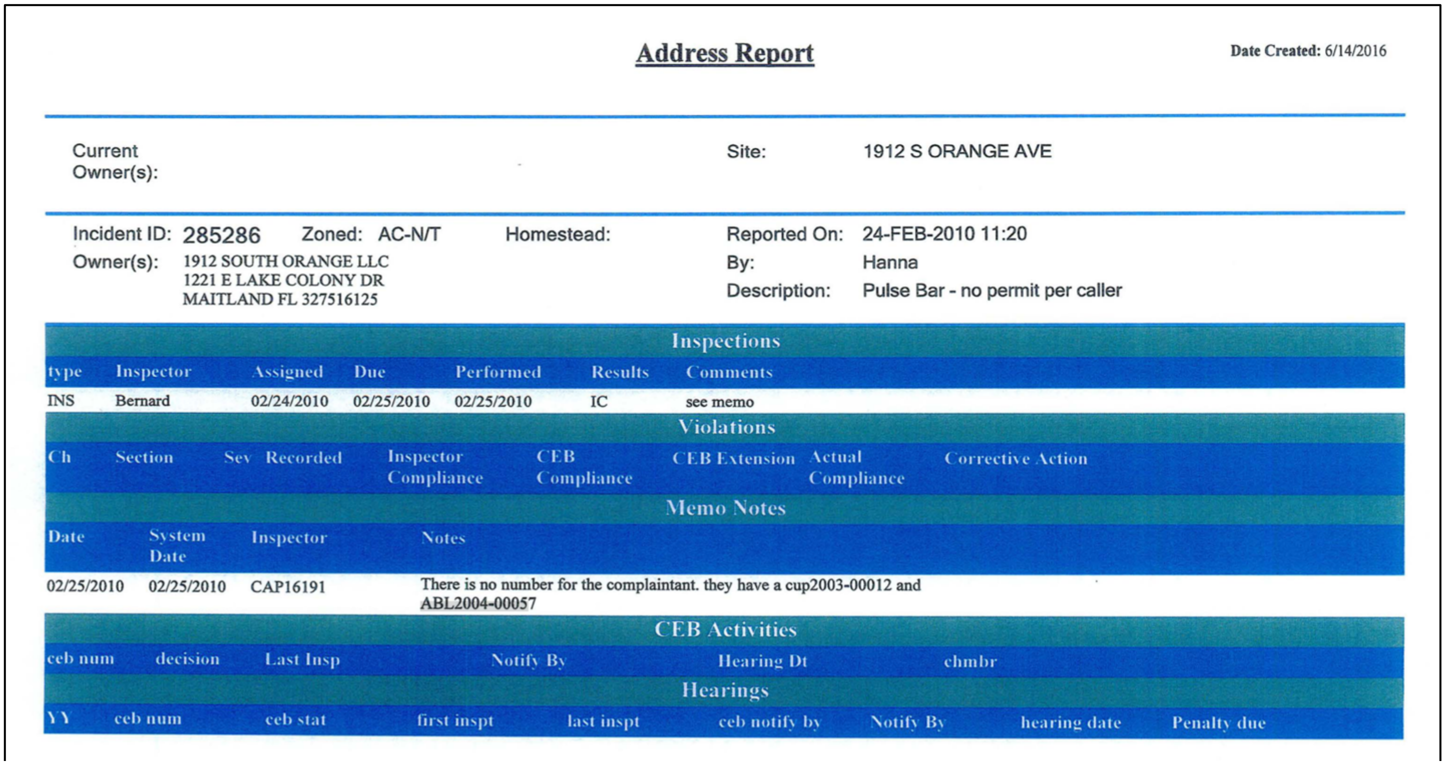
These renovations included the outside bar and patio, which was enclosed by a 6-foot vinyl fence that encroached over city easements, egress, and setbacks. The height of the illegal fence was also against city code. This was covered in the detailed reporting done by the *Orlando Sentinel*, here: https://www.orlandosentinel.com/news/pulse-orlando-nightclub-shooting/os-pulse-exits-fence-permit-20160723-story.html.

In addition, **the Pulse parking lot had nine designated parking spaces after owners the expanded its patio without permits; a disproportional number for a business with an approved**

300-person occupant load. Pulse owners relied on street parking in the surrounding residential neighborhood. The parking lot was photographed by the City of Orlando along with the unpermitted fence on July 14, 2010.

1.10 Violation: Operating as a Bar/Nightclub

On February 24, 2010, a person named Hanna reported that Pulse did not have a permit. According to the response by the inspector, Bernard, this referred to Pulse operating as a bar/nightclub without the proper conditional-use permit. As the public records show, CUP2003-00012 did not allow for a nightclub or dance hall, but rather a martini bar and restaurant. Pulse was indeed operating as a nightclub and dance hall—with business practices that included charging a cover—in violation of its approved use through CUP2003-0012.



Address Report

Date Created: 6/14/2016

Current Owner(s):

Site: 1912 S ORANGE AVE

Incident ID: 285286 Zoned: AC-N/T Homestead:

Owner(s):
1912 SOUTH ORANGE LLC
1221 E LAKE COLONY DR
MAITLAND FL 327516125

Reported On: 24-FEB-2010 11:20
By: Hanna
Description: Pulse Bar - no permit per caller

Inspections

type	Inspector	Assigned	Due	Performed	Results	Comments
INS	Bernard	02/24/2010	02/25/2010	02/25/2010	IC	see memo

Violations

Ch	Section	Sev	Recorded	Inspector Compliance	CEB Compliance	CEB Extension	Actual Compliance	Corrective Action

Memo Notes

Date	System Date	Inspector	Notes
02/25/2010	02/25/2010	CAP16191	There is no number for the complaintant. they have a cup2003-00012 and ABL2004-00057

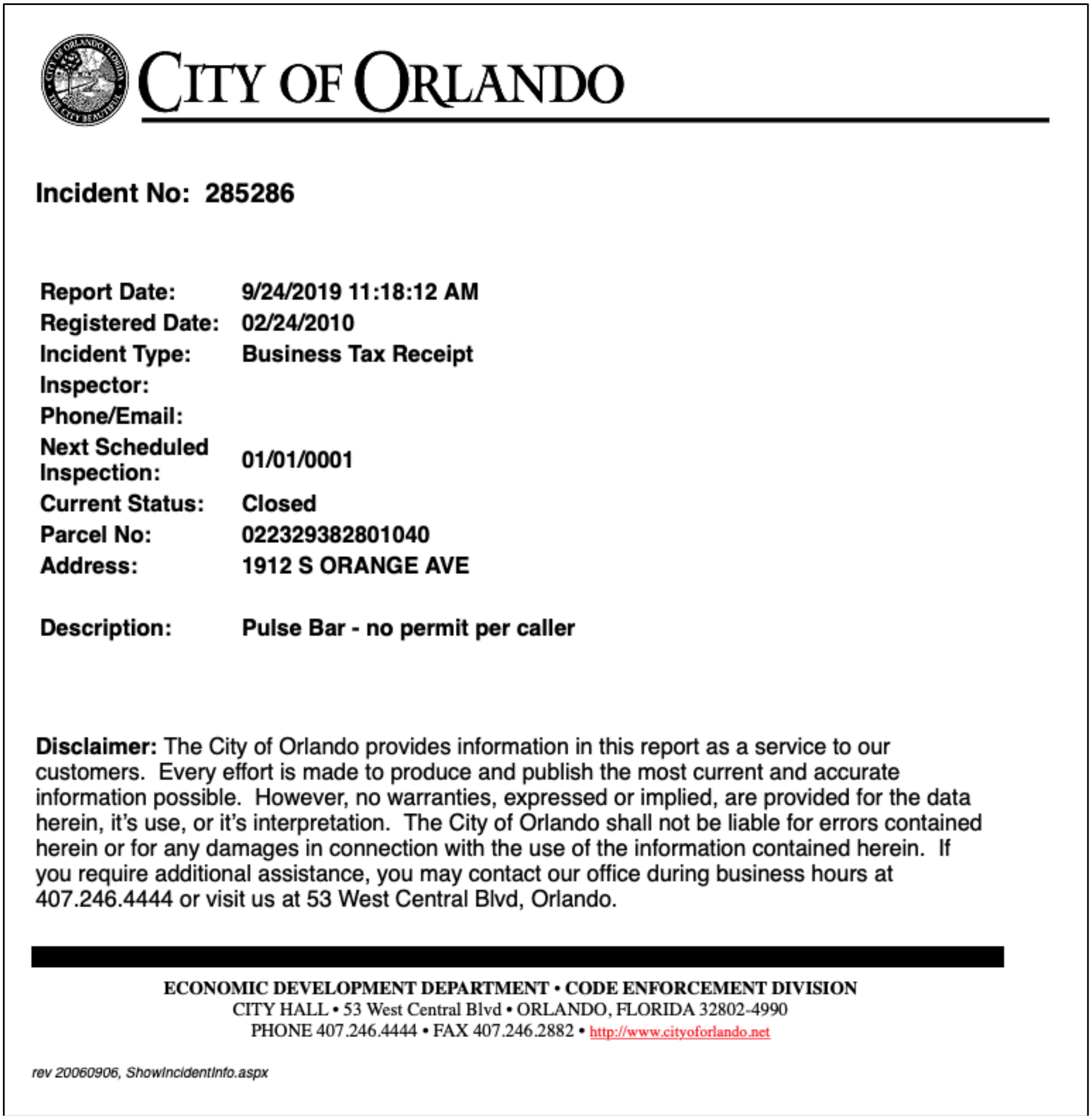
CEB Activities

ceb num	decision	Last Insp	Notify By	Hearing Dt	chmbr

Hearings

YY	ceb num	ceb stat	first inspt	last inspt	ceb notify by	Notify By	hearing date	Penalty due

Figure 4: Reported conditional-use permit violation accessed through the Pulse Tragedy Public Records site (https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records).



CITY OF ORLANDO

Incident No: 285286

Report Date:	**9/24/2019 11:18:12 AM**
Registered Date:	**02/24/2010**
Incident Type:	**Business Tax Receipt**
Inspector:	
Phone/Email:	
Next Scheduled Inspection:	**01/01/0001**
Current Status:	**Closed**
Parcel No:	**022329382801040**
Address:	**1912 S ORANGE AVE**
Description:	**Pulse Bar - no permit per caller**

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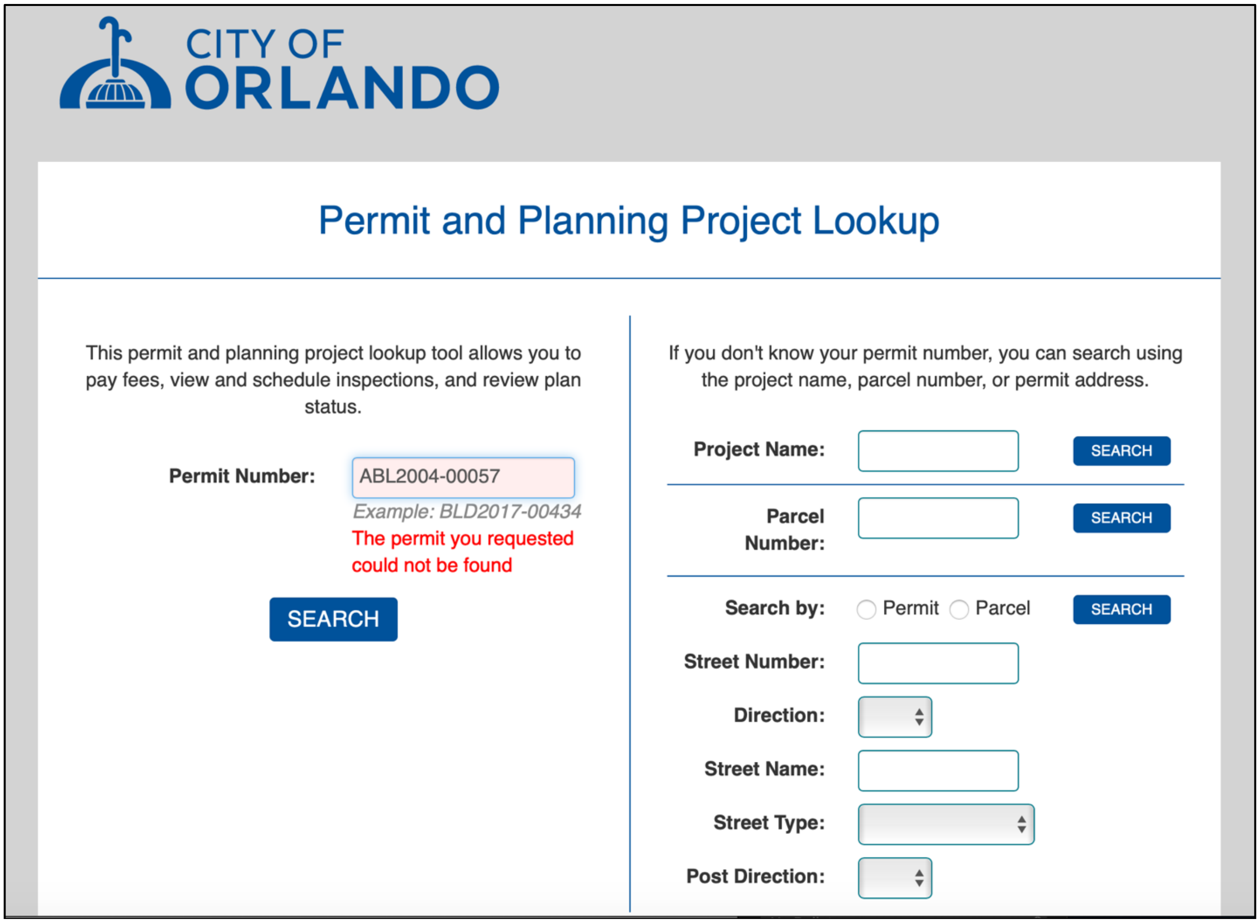
rev 20060906, ShowIncidentInfo.aspx

Furthermore, there is no record for the other permit referenced by the inspector, ABL2004-00057, as you can see below (also see *2.10 All Permits for 1912 S. Orange Avenue*).



CITY OF
ORLANDO

Permit and Planning Project Lookup

This permit and planning project lookup tool allows you to pay fees, view and schedule inspections, and review plan status.

Permit Number: ABL2004-00057

Example: BLD2017-00434

The permit you requested could not be found

SEARCH

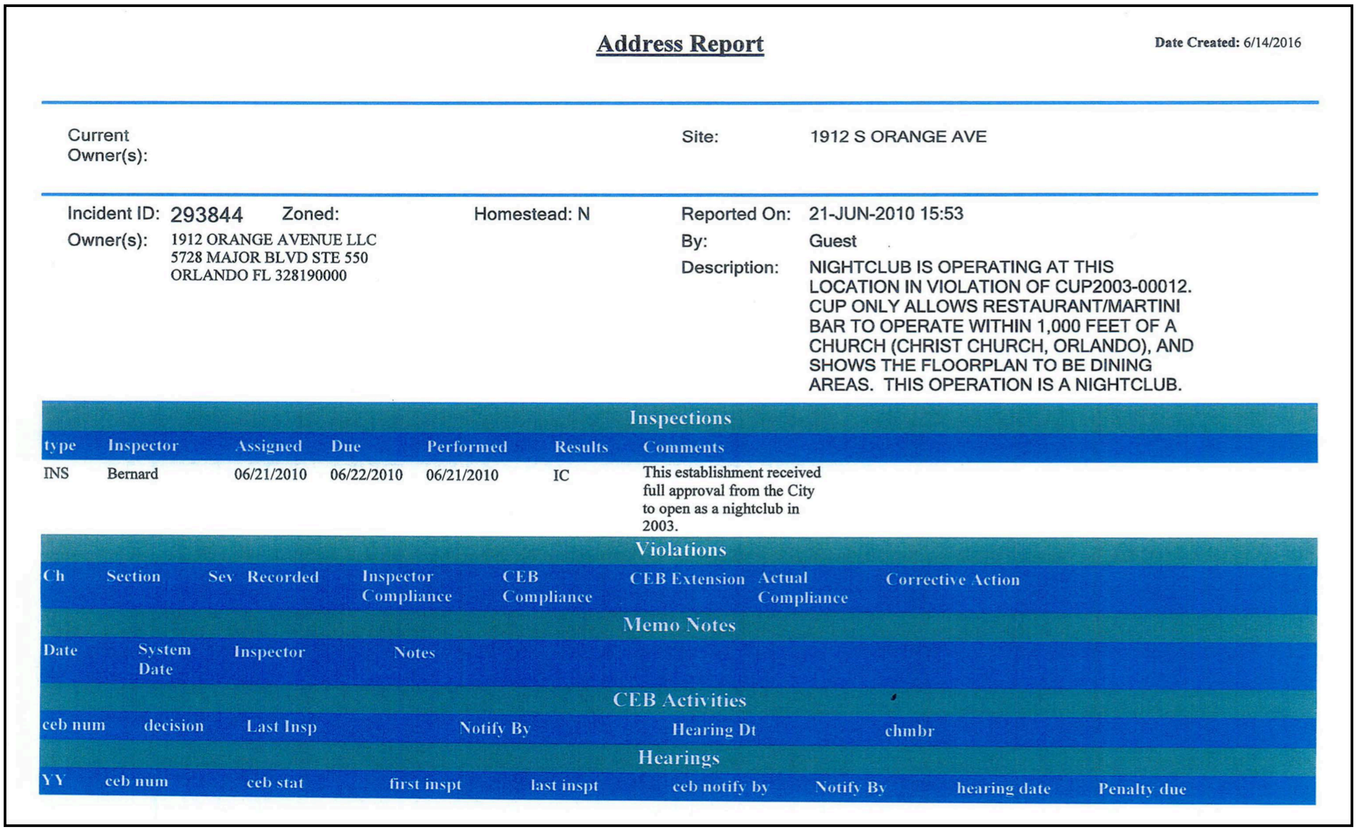
If you don't know your permit number, you can search using the project name, parcel number, or permit address.

Project Name:
SEARCH
Parcel Number:
SEARCH
Search by: ○ Permit ○ Parcel
SEARCH
Street Number:
Direction:
Street Name:
Street Type:
Post Direction:

Figure 5: Screenshot of permit search for the permit referenced by Inspector Bernard, ABL2004-00057, showing that the permit does not exist. Furthermore, no permit ending in 00057 is associated with Pulse's address at 1912 S. Orange Avenue.

1.11 Violation: Conditional Use Permit

On June 21, 2010, a guest reported Pulse for operating in violation of CUP2003-00012. The Inspector, Bernard, claimed that "the establishment received full approval from the City to open as a nightclub in 2003." This is not true. Records show that Pulse was always only approved to operate as a martini bar and restaurant.



Address Report

Date Created: 6/14/2016

Current Owner(s):

Site: 1912 S ORANGE AVE

Incident ID: 293844 Zoned: Homestead: N

Owner(s):
1912 ORANGE AVENUE LLC
5728 MAJOR BLVD STE 550
ORLANDO FL 328190000

Reported On: 21-JUN-2010 15:53

By: Guest

Description: NIGHTCLUB IS OPERATING AT THIS LOCATION IN VIOLATION OF CUP2003-00012. CUP ONLY ALLOWS RESTAURANT/MARTINI BAR TO OPERATE WITHIN 1,000 FEET OF A CHURCH (CHRIST CHURCH, ORLANDO), AND SHOWS THE FLOORPLAN TO BE DINING AREAS. THIS OPERATION IS A NIGHTCLUB.

Inspections

type	Inspector	Assigned	Due	Performed	Results	Comments
INS	Bernard	06/21/2010	06/22/2010	06/21/2010	IC	This establishment received full approval from the City to open as a nightclub in 2003.

Violations

Ch	Section	Sev	Recorded	Inspector Compliance	CEB Compliance	CEB Extension	Actual Compliance	Corrective Action

Memo Notes

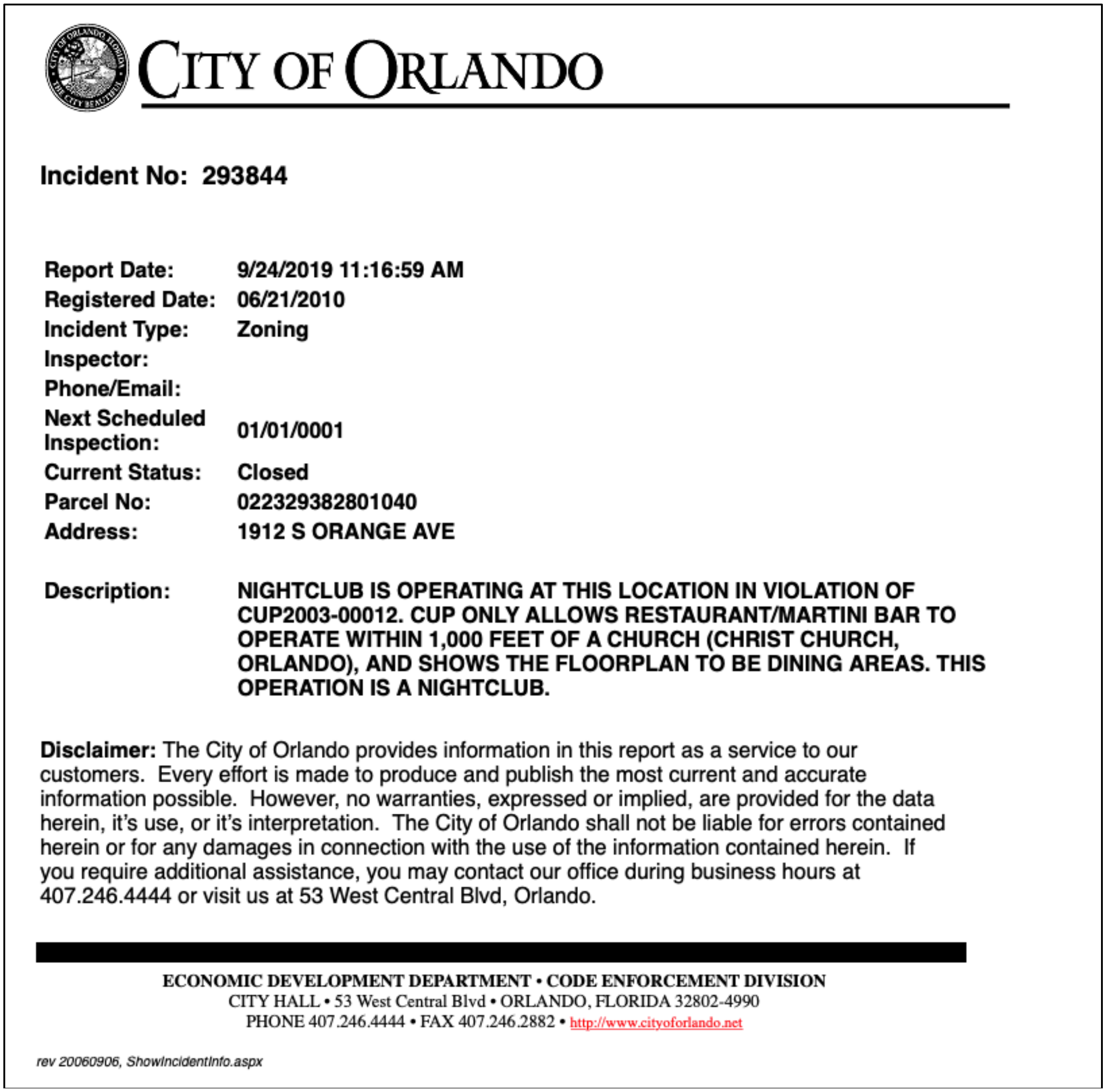
Date	System Date	Inspector	Notes

CEB Activities

ceb num	decision	Last Insp	Notify By	Hearing Dt	chmbr

Hearings

YY	ceb num	ceb stat	first inspt	last inspt	ceb notify by	Notify By	hearing date	Penalty due



CITY OF ORLANDO

Incident No: 293844

Report Date: 9/24/2019 11:16:59 AM
Registered Date: 06/21/2010
Incident Type: Zoning
Inspector:
Phone/Email:
Next Scheduled Inspection: 01/01/0001
Current Status: Closed
Parcel No: 022329382801040
Address: 1912 S ORANGE AVE

Description: NIGHTCLUB IS OPERATING AT THIS LOCATION IN VIOLATION OF CUP2003-00012. CUP ONLY ALLOWS RESTAURANT/MARTINI BAR TO OPERATE WITHIN 1,000 FEET OF A CHURCH (CHRIST CHURCH, ORLANDO), AND SHOWS THE FLOORPLAN TO BE DINING AREAS. THIS OPERATION IS A NIGHTCLUB.

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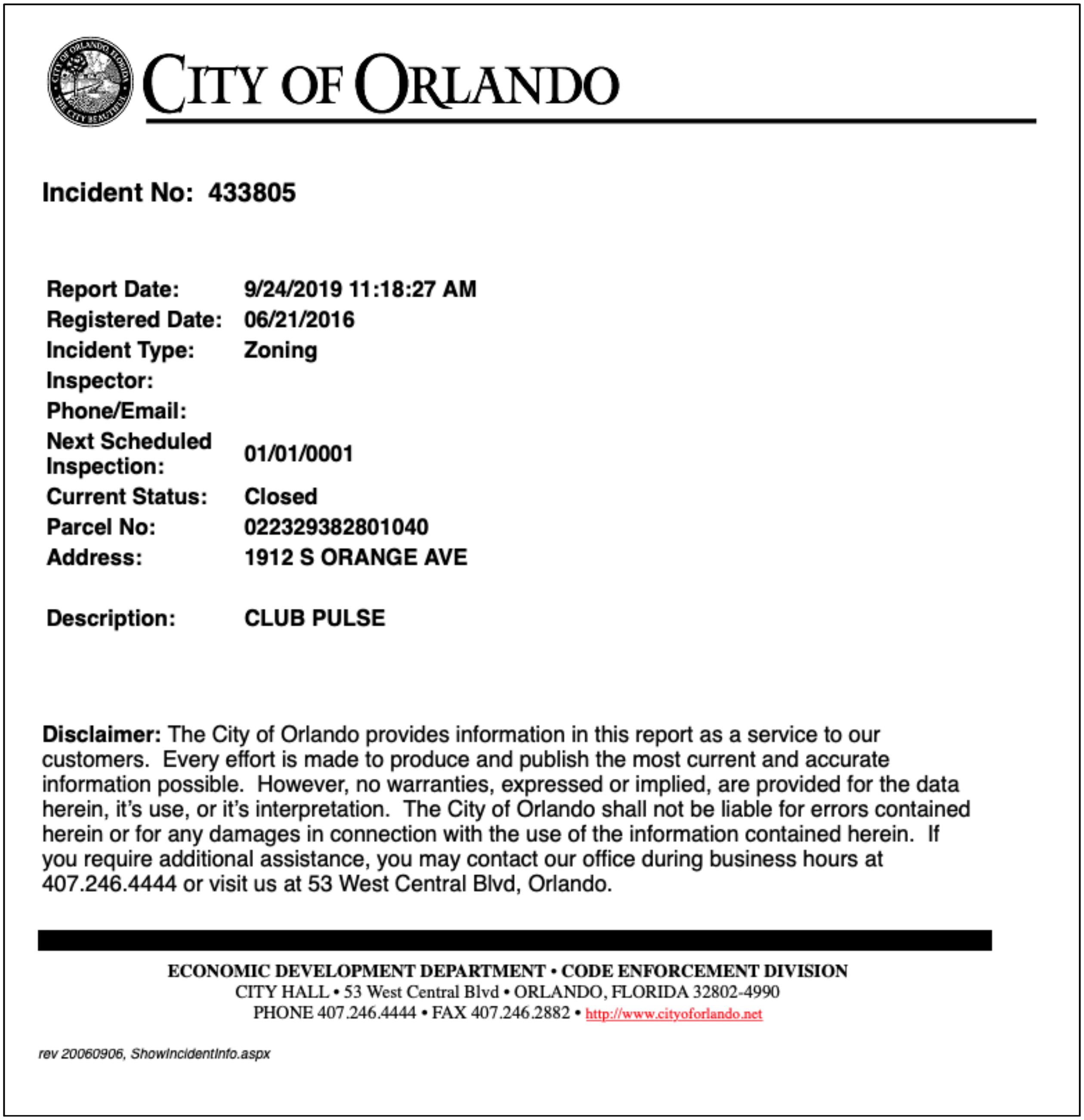
rev 20060906, ShowIncidentInfo.aspx

1.12 Zoning Incident #433805 (June 21, 2016)

An incident report was created detailing an unspecified zoning incident for “Club Pulse” in the weeks after the shooting. There are no other details about this zoning incident in the public records available.



CITY OF ORLANDO

Incident No: 433805

Report Date: 9/24/2019 11:18:27 AM
Registered Date: 06/21/2016
Incident Type: Zoning
Inspector:
Phone/Email:
Next Scheduled Inspection: 01/01/0001
Current Status: Closed
Parcel No: 022329382801040
Address: 1912 S ORANGE AVE

Description: CLUB PULSE

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rev 20060906, ShowIncidentInfo.aspx

Key Takeaways

1. For years, the City of Orlando knew that Pulse was operating as a nightclub with a dance floor, nightly cover charges, and unpermitted spaces.

2. The City of Orlando never shut the Pulse down for operating illegally and in violation of its conditional use permit.

3. The City of Orlando never cited Pulse for its illegal, unpermitted renovations—even though they knew and documented both interior and exterior unpermitted modifications.

4. Multiple complaints were filed with the City of Orlando about these issues. Some were dismissed by city officials, none were ever resolved, and Pulse continued to operate in violation and out-of-compliance for over six years.

Part II: Unpermitted Renovations

2.1 Original Floor Plans: BLDG2003-08240

In 2003, the building at 1912 S. Orange Avenue underwent the only structural building renovations that were permitted and approved by the City of Orlando's Permitting Services Division. This is when Dante's Italian Restaurant (also, previously Lorenzo's) was converted to the Pulse Martini Bar and Ultra Lounge. Permit BLDG2003-08240 was pulled by Pulse co-owner Rosario Poma and included the following approved building plans:

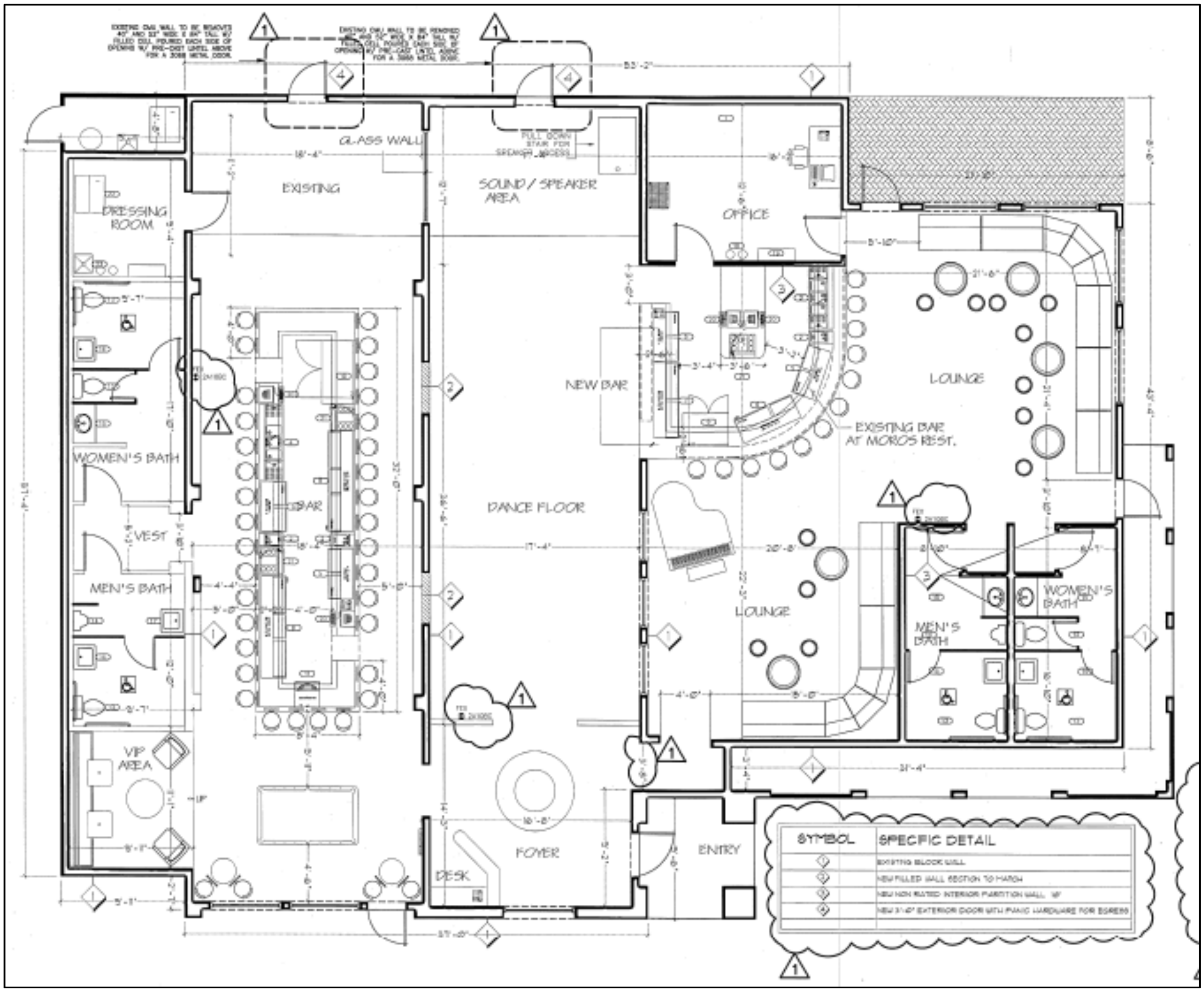

EXISTING CMU WALL TO BE REMOVED 40" AND 32" WIDE X 84" TALL W/ FILLED CELL POURED EACH SIDE OF OPENING W/ PRE-CAST LINTEL ABOVE FOR A 3068 METAL DOOR.
EXISTING CMU WALL TO BE REMOVED 40" AND 32" WIDE X 84" TALL W/ FILLED CELL POURED EACH SIDE OF OPENING W/ PRE-CAST LINTEL ABOVE FOR A 3068 METAL DOOR.
GLASS WALL
PULL DOWN STAIR FOR SPEAKER ACCESS
EXISTING
SOUND / SPEAKER AREA
OFFICE
DRESSING ROOM
NEW BAR
LOUNGE
EXISTING BAR AT MOROS REST.
WOMEN'S BATH
BAR
DANCE FLOOR
VEST
MEN'S BATH
LOUNGE
MEN'S BATH
WOMEN'S BATH
VIP AREA
FOYER
DESK
ENTRY
SYMBOL
SPECIFIC DETAIL
1 EXISTING BLOCK WALL
2 NEW FILLED WALL SECTION TO MATCH
3 NEW NON RATED INTERIOR PARTITION WALL
4 NEW 3'-0" EXTERIOR DOOR WITH PANIC HARDWARE FOR EGRESS
53'-2"
18'-4"
17'-4"
21'-6"
20'-8"
31'-4"
16'-8"
57'-0"
1
2
3
4

Figure 6: Building plans of 1912 S. Orange Avenue for Pulse. These were the first and last approved building plans that show all permitted renovations. These plans do not reflect the layout of the building at the time of the shooting on June 12, 2016. These building plans were obtained through the public records available on the City of Orlando's Pulse Tragedy (https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records).

2.2 Before Photos: Interior of Pulse Prior to Most Unpermitted Renovations

When Pulse first opened on July 2, 2004, it was known for its all white interior and had a circular bar in the main lounge. The following photos show what the approved, permitted martini bar and ultra-lounge looked like before many of the illegal renovations were done without permits. The following images include photos taken by the City of Orlando on February 4, 2009, which were not released to the public and were obtained through individual private records requests. These are the earliest interior photos of Pulse we have been able to access.

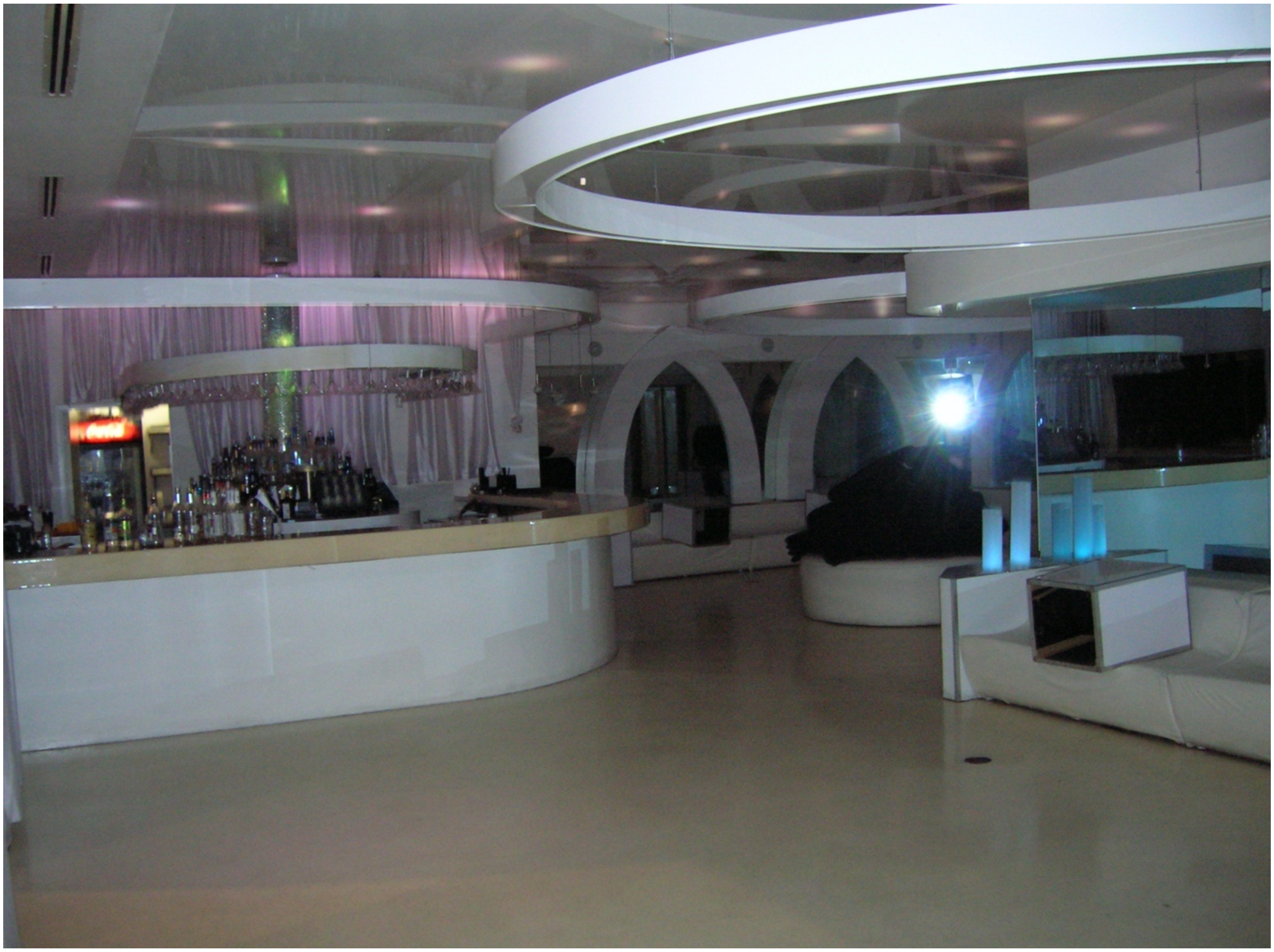


Figure 7: Photo (taken on February 4, 2009) shows the main bar at Pulse. This is what the bar looked like when Pulse first opened. You can view the remodeled bar in Figure 14. This photo was obtained through an individual public records request.

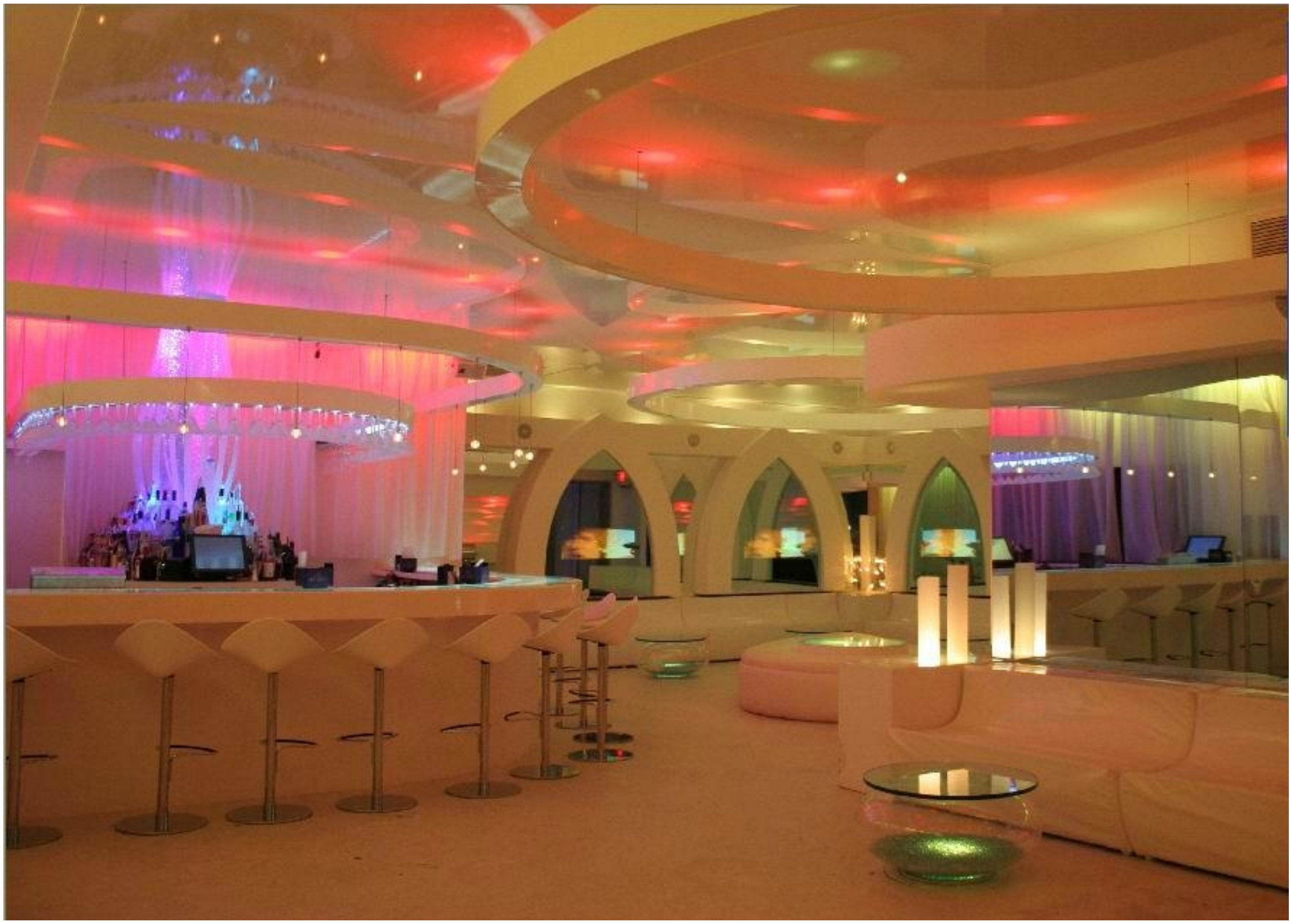


Figure 8: This promotional photo was used to advertise Pulse's lighting and shows the interior of the Pulse nightclub as it existed in 2004. Compare this photo to Figure 14 to see how much the unpermitted renovations modified the interior of Pulse. This photo was obtained through internet research.

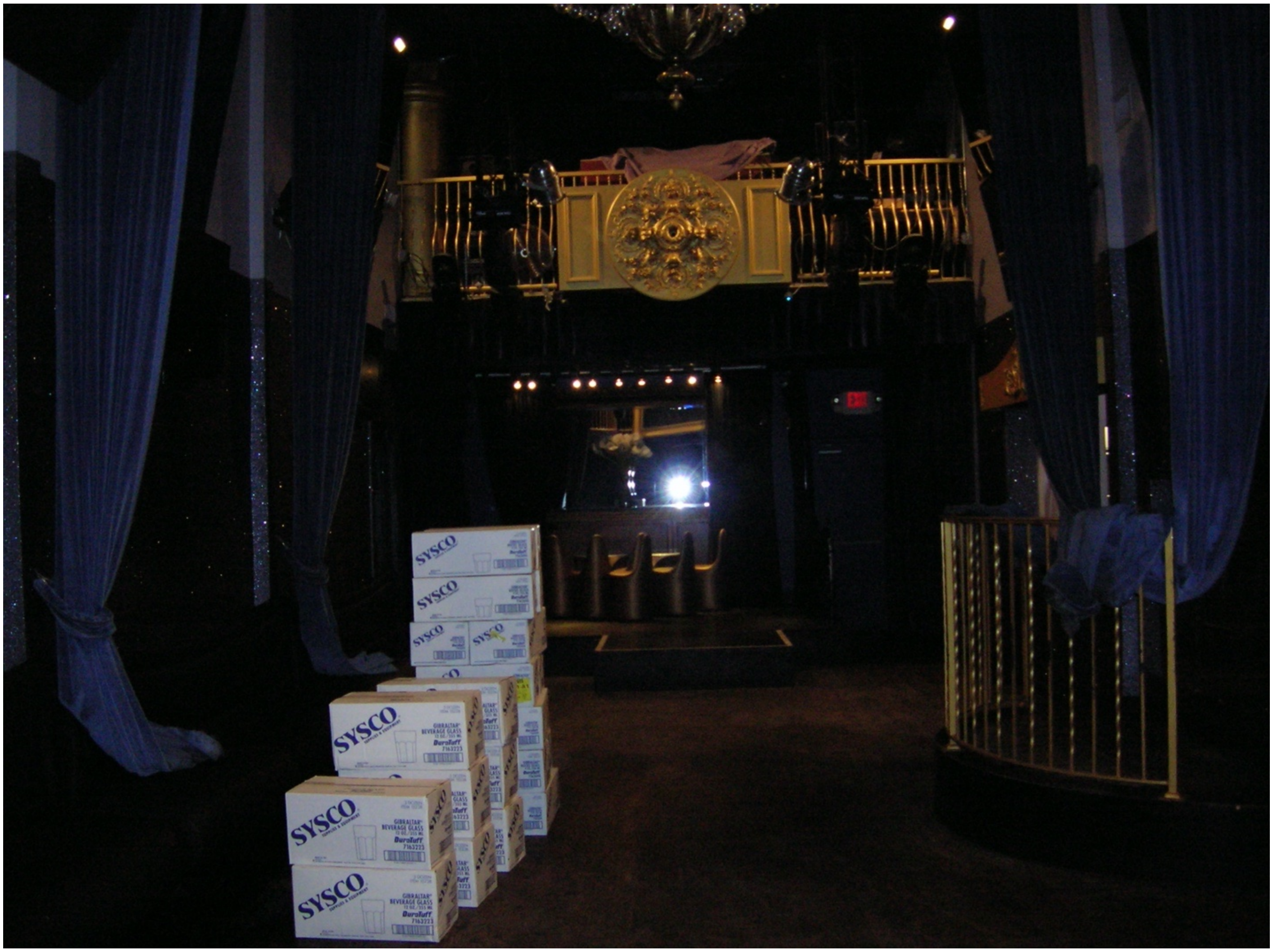


Figure 9:This photo, taken by the City of Orlando on February 4, 2009, shows the dance floor and second-story DJ booth/office. The second-floor area does not appear on building plans. Photos taken after the shooting show a ladder going up to the second-floor (see Figure 36 and Figure 39). This photo was obtained through an individual public records request.

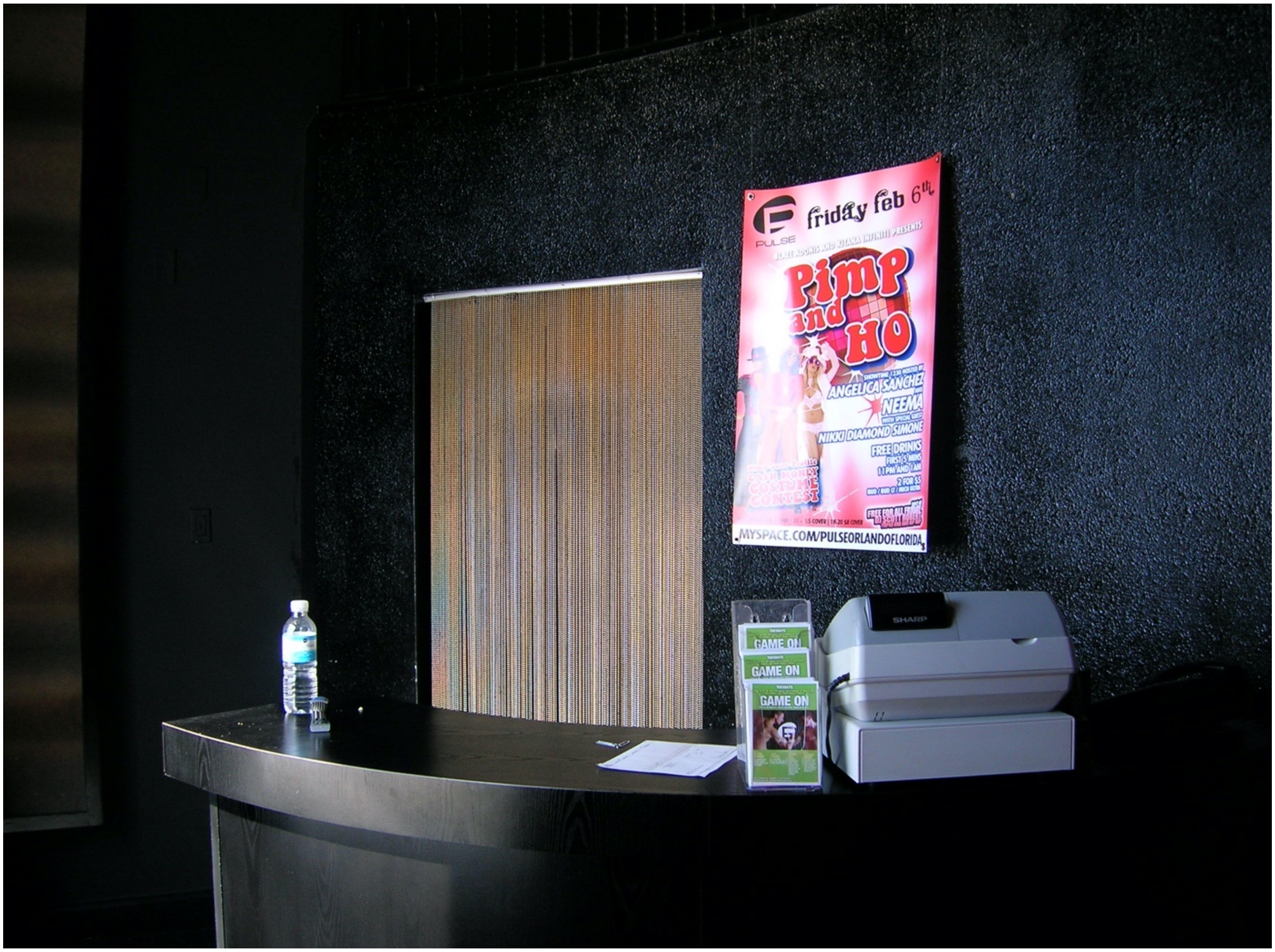
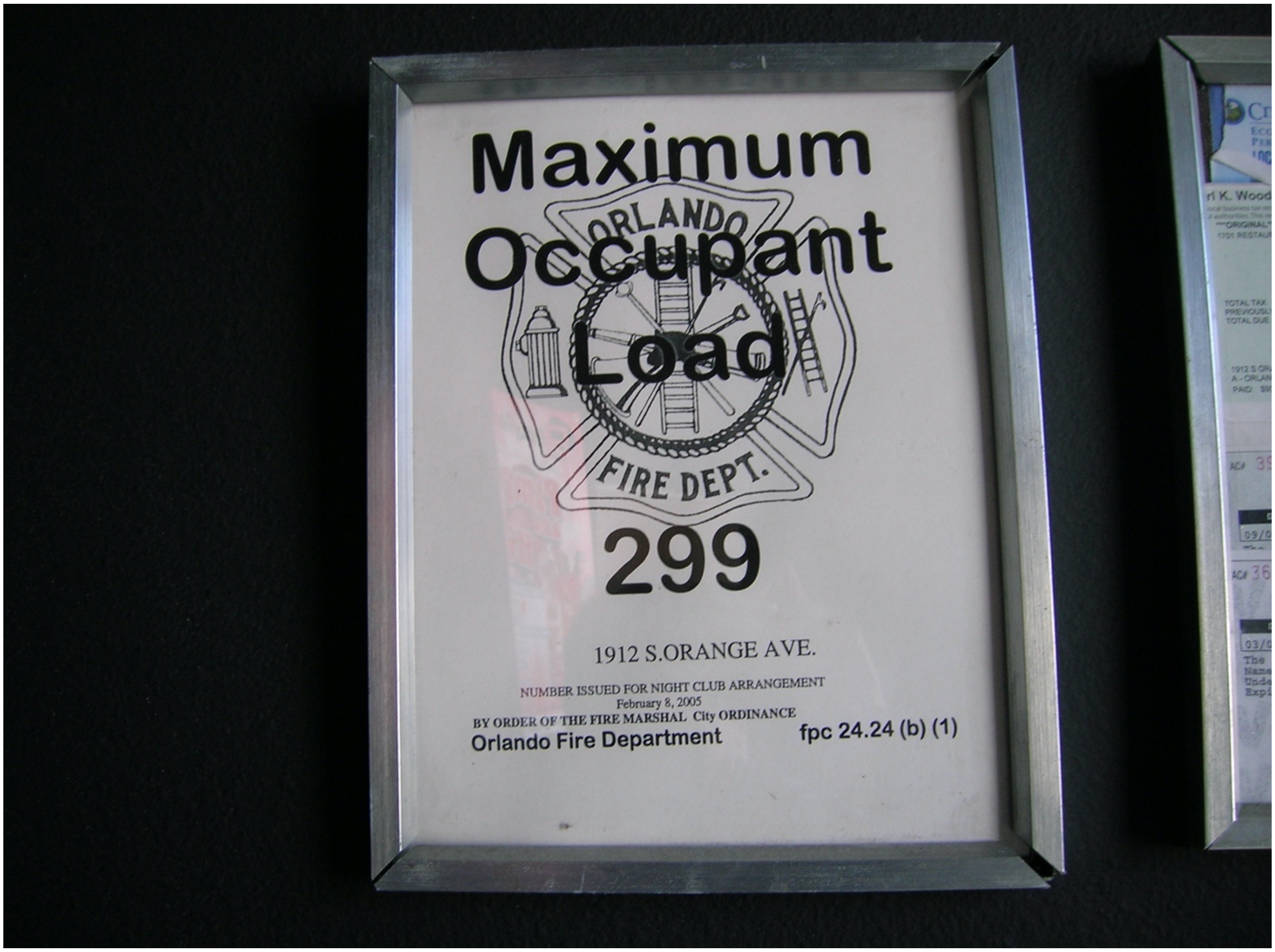

PULSE
friday feb 6th
Pimp and HO
ANGELICA SANCHEZ
NEEMA
NIKKI DIAMOND SIMONE
FREE DRINKS
MYSPACE.COM/PULSEORLANDOFLORIDA
GAME ON
GAME ON
GAME ON
SHARP

Figure 10:Photo taken by the City of Orlando on February 4, 2009 that shows the unpermitted reception area and the doorway to the unpermitted hallway that led to the bars. The reception hallway doorways were covered by metal beaded curtains. This is against fire code (14.10.2.2), see 2.13 After Photos: Pulse After the Shooting for fire code details. This photo was obtained through an individual public records request.



ORLANDO
FIRE DEPT.

Maximum
Occupant
Load

299

1912 S.ORANGE AVE.

NUMBER ISSUED FOR NIGHT CLUB ARRANGEMENT
February 8, 2005
BY ORDER OF THE FIRE MARSHAL City ORDINANCE
Orlando Fire Department **fpc 24.24 (b) (1)**

Figure 11: The maximum occupancy load at this time (February 4, 2009) was 299. This photo was obtained through an individual public records request.

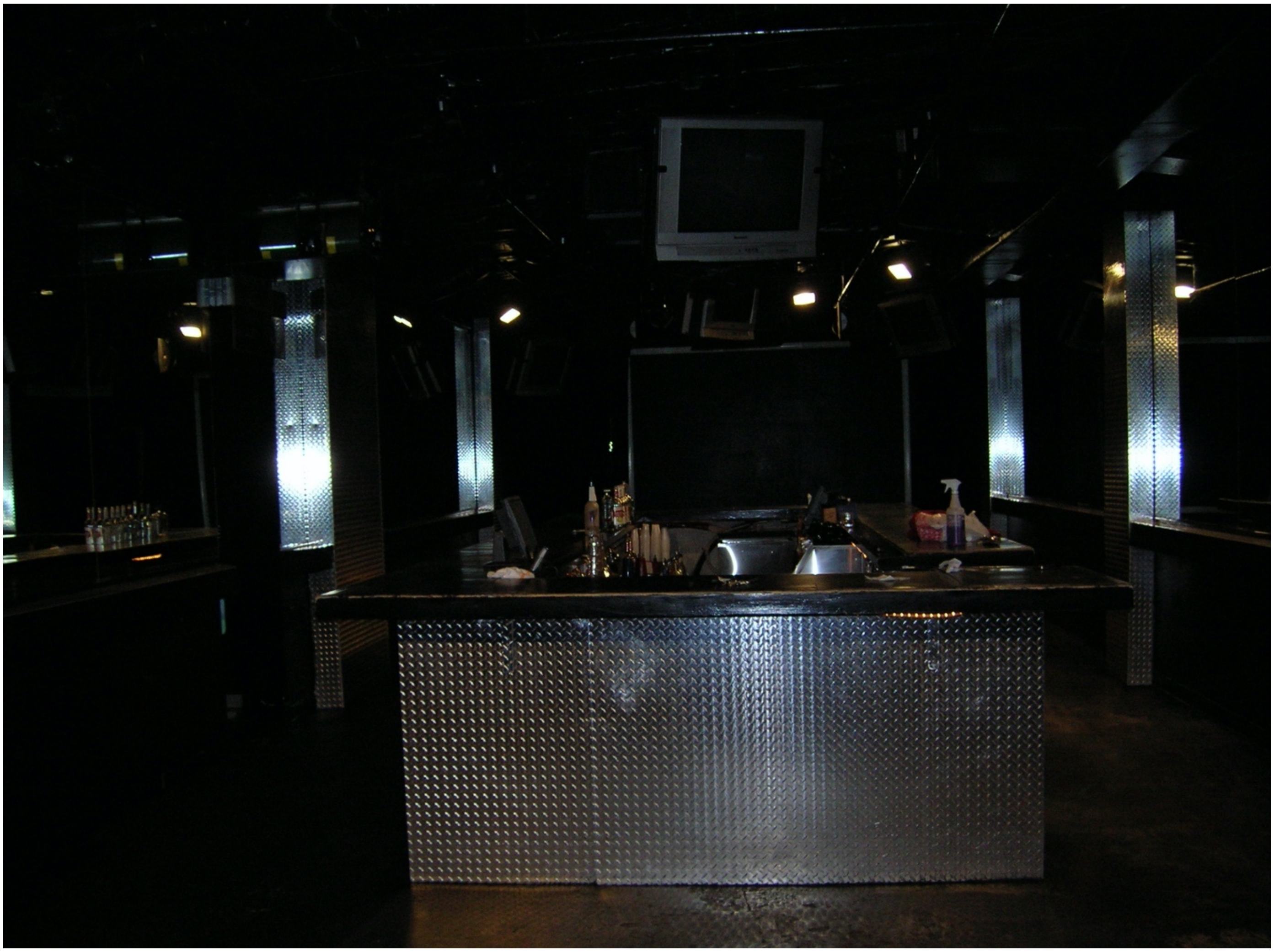


Figure 12: This photo, taken by the City of Orlando on February 4, 2009, shows the Adonis Room prior to the most recent unpermitted renovations. The illegally renovated space (seen in Figure 18) included additional stages for go-go dancers that significantly decreased the surface area for patrons. This is one of the rooms that contained no windows and where an exit door led to a narrow fenced-in outdoor corridor that was filled with trash cans and left people trapped (see Figure 24 and Figure 35). This photo was obtained through an individual public records request.

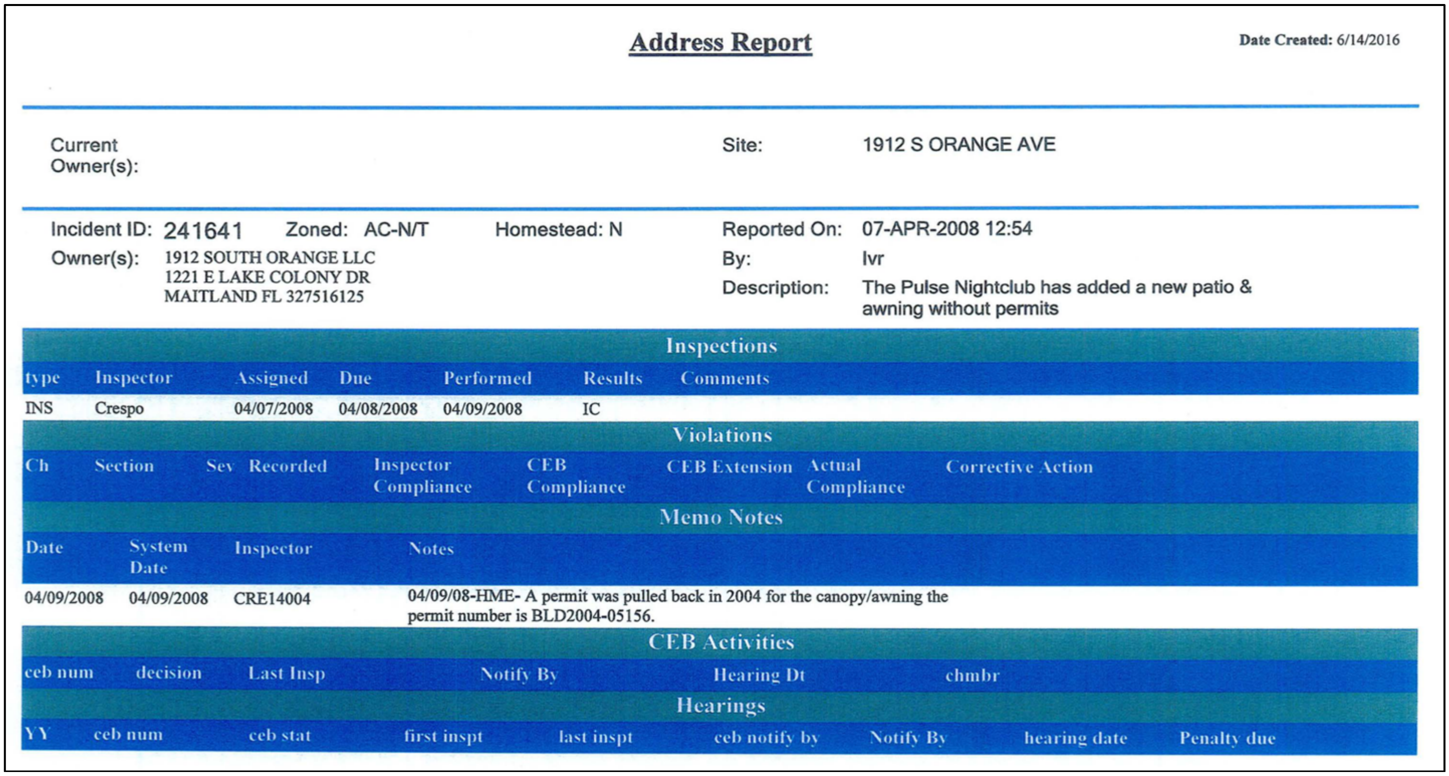
2.3 Violation: Patio Without a Permit (April 7, 2008)

On April 7, 2008, a person named Ivr reported that a new patio and awning was built without permits at Pulse.

This new patio was enclosed by the unpermitted fence that was reported on by the *Orlando Sentinel* after the shooting (see *2.15 The Orlando Sentinel Reports on Exits and the Unpermitted Fence*).

Inspector Crespo correctly stated that the permit for the canopy/awning was pulled, however, BLD2004-05156—the permit for the canopy/awning—did NOT include the unpermitted fence, nor the expanded outdoor patio, the bar, and seating areas.

Other records indicate that the patio was in violation of city codes as it expanded into the parking lot (see *3.3 Email from Jason Burton*). At this point, inspectors failed to do their job to look into the details of the permits, inspect the complaint, and enforce building codes. The email from Jason Burton (2010) also suggests that this case should have not been closed since it was unresolved. The marking of this case as closed, represents yet another reporting mistake done by the City of Orlando regarding violations at Pulse.[5]



Address Report

Date Created: 6/14/2016

Current Owner(s):

Site: 1912 S ORANGE AVE

Incident ID: 241641 Zoned: AC-N/T Homestead: N

Owner(s): 1912 SOUTH ORANGE LLC
1221 E LAKE COLONY DR
MAITLAND FL 327516125

Reported On: 07-APR-2008 12:54
By: Ivr
Description: The Pulse Nightclub has added a new patio & awning without permits

Inspections

type	Inspector	Assigned	Due	Performed	Results	Comments
INS	Crespo	04/07/2008	04/08/2008	04/09/2008	IC	

Violations

Ch	Section	Sev	Recorded	Inspector Compliance	CEB Compliance	CEB Extension	Actual Compliance	Corrective Action

Memo Notes

Date	System Date	Inspector	Notes
04/09/2008	04/09/2008	CRE14004	04/09/08-HME- A permit was pulled back in 2004 for the canopy/awning the permit number is BLD2004-05156.

CEB Activities

ceb num	decision	Last Insp	Notify By	Hearing Dt	chmbr

Hearings

YY	ceb num	ceb stat	first inspt	last inspt	ceb notify by	Notify By	hearing date	Penalty due

Figure 13: Reported building permit violation accessed through the Pulse Tragedy Public Records site (https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records).

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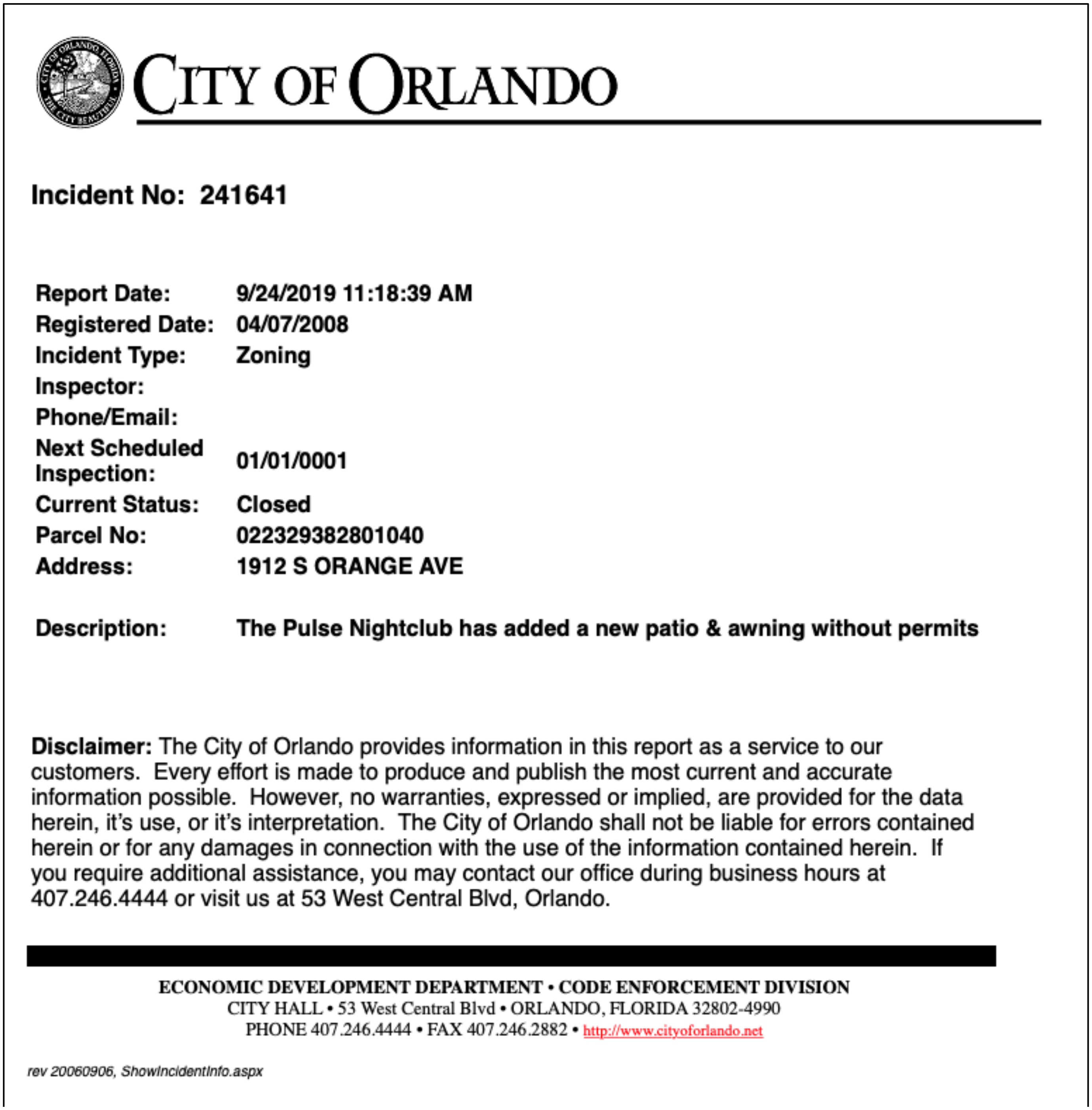
[5] https://www.wftv.com/news/pulse-shooting/city-of-orlando-now-says-calling-door-at-pulse-inoperable-was-a-mistake/369913144/



CITY OF ORLANDO

Incident No: 241641

Report Date: 9/24/2019 11:18:39 AM
Registered Date: 04/07/2008
Incident Type: Zoning
Inspector:
Phone/Email:
Next Scheduled Inspection: 01/01/0001
Current Status: Closed
Parcel No: 022329382801040
Address: 1912 S ORANGE AVE

Description: The Pulse Nightclub has added a new patio & awning without permits

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rev 20060906, ShowIncidentInfo.aspx

Figure 14: Another record pertaining to Incident #24164—the reported violation for Pulse's outdoor patio.

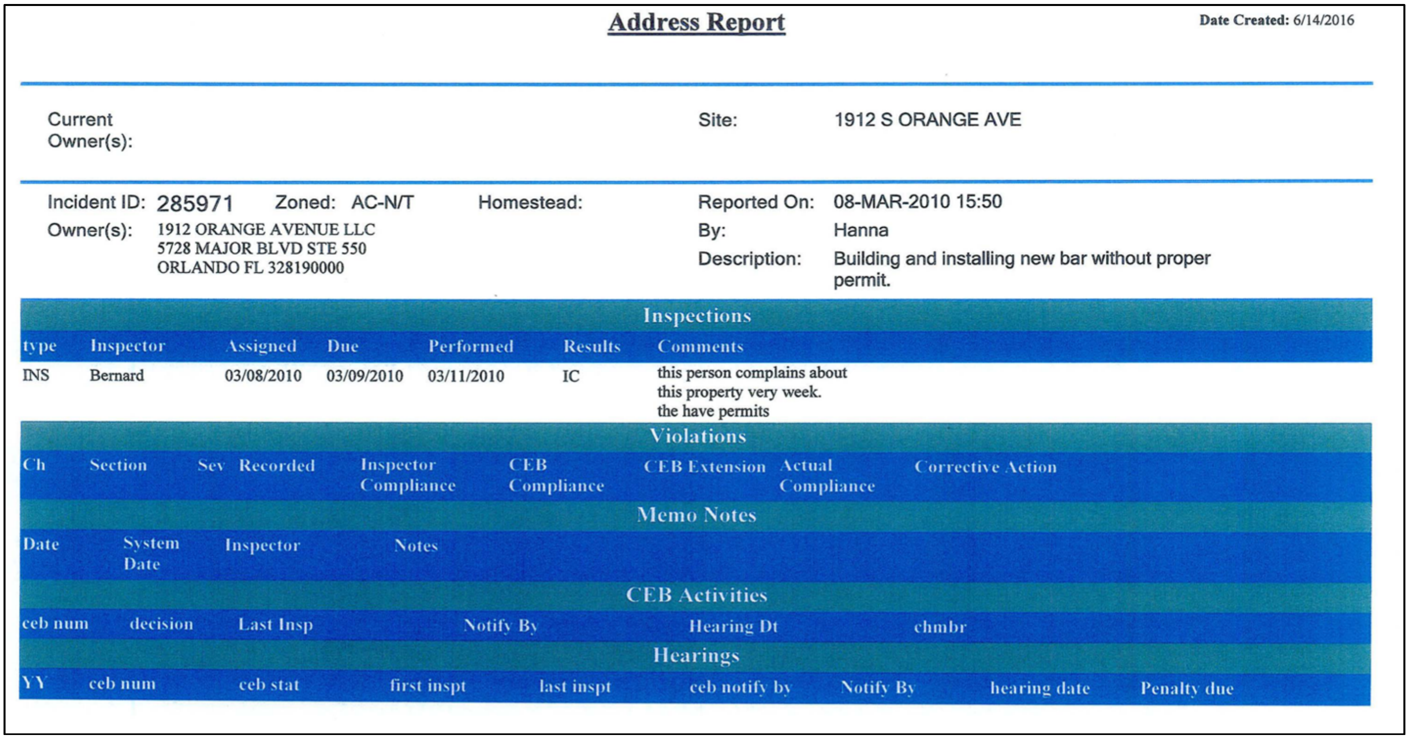
2.4 Violation: Unpermitted Bar

On March 8, 2010, a person named Hanna reported that Pulse owners built and installed a new bar without the proper permits.

The inspector, Bernard, falsely claimed that they had permits and dismissed the complainant, claiming that they complained about the property every week.

There are no permits on record that allowed owners Barbara Poma and Rosario Poma to legally build and install a new bar at Pulse. The new rectangular bar (see *Figure 14*) replaced the old circular bar (see *Figure 2* and *Figure 3*) and was installed in a slightly different location in the Lounge/Jewel Box Room.

This movement is documented in the 2003 and 2010 building plans (see *1.1: Converting a Restaurant to Pulse* and *1.10 Unpermitted Floor Plans*).



Address Report

Date Created: 6/14/2016

Current Owner(s):

Site: 1912 S ORANGE AVE

Incident ID: 285971 Zoned: AC-N/T Homestead:

Owner(s): 1912 ORANGE AVENUE LLC
5728 MAJOR BLVD STE 550
ORLANDO FL 328190000

Reported On: 08-MAR-2010 15:50

By: Hanna

Description: Building and installing new bar without proper permit.

Inspections

type	Inspector	Assigned	Due	Performed	Results	Comments
INS	Bernard	03/08/2010	03/09/2010	03/11/2010	IC	this person complains about this property very week. the have permits

Violations

Ch	Section	Sev	Recorded	Inspector Compliance	CEB Compliance	CEB Extension	Actual Compliance	Corrective Action

Memo Notes

Date	System Date	Inspector	Notes

CEB Activities

ceb num	decision	Last Insp	Notify By	Hearing Dt	chmbr

Hearings

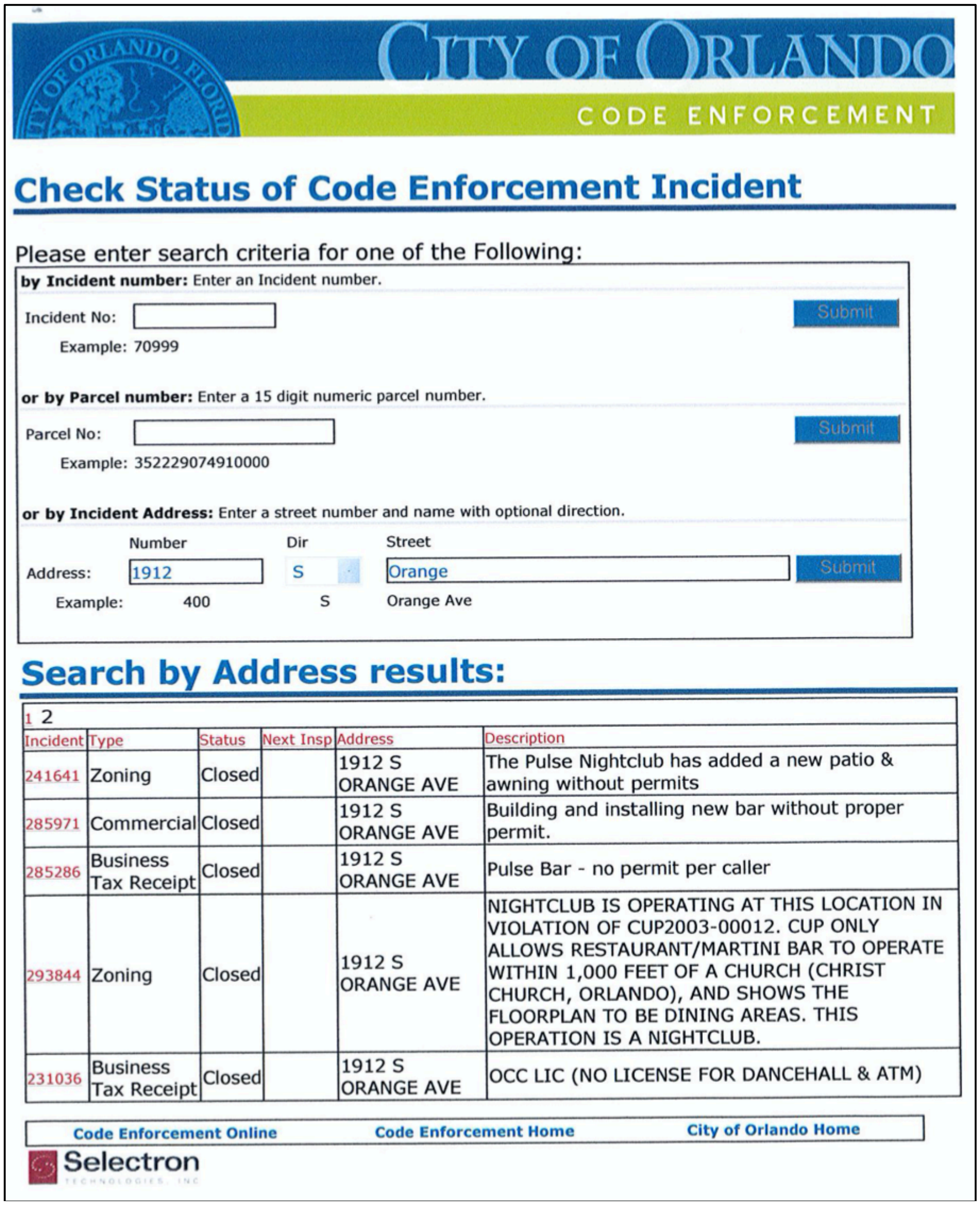
YY	ceb num	ceb stat	first inspt	last inspt	ceb notify by	Notify By	hearing date	Penalty due

Figure 15: Reported building permit violation accessed through the Pulse Tragedy Public Records site (https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records).

2.5 Code Enforcement Incidents

This document from the Pulse Tragedy Public Records page, shows that the City of Orlando knew about the unpermitted renovations for years and, yet, failed to ever document/inspect the interior of the building. In doing so, the City of Orlando failed to enforce its own permit laws, building codes, and business regulations.

Correspondence sent from the City of Orlando to Rosario Poma in 2010 addressed CUP violations, but not the unpermitted interior and exterior renovations (see *3.4 Letter to Rosario Poma*), even though these were document by the City at the same time (see *3.2 Information Collected by the City*). Unpermitted renovations went unchecked, just as unresolved violations were erroneously marked as closed.



Check Status of Code Enforcement Incident

Please enter search criteria for one of the Following:

by Incident number: Enter an Incident number.

Incident No:

Example: 70999

or by Parcel number: Enter a 15 digit numeric parcel number.

Parcel No:

Example: 352229074910000

or by Incident Address: Enter a street number and name with optional direction.

Address: Number: 1912 Dir: S Street: Orange

Example: 400 S Orange Ave

Search by Address results:

1 2

Incident	Type	Status	Next Insp	Address	Description
241641	Zoning	Closed		1912 S ORANGE AVE	The Pulse Nightclub has added a new patio & awning without permits
285971	Commercial	Closed		1912 S ORANGE AVE	Building and installing new bar without proper permit.
285286	Business Tax Receipt	Closed		1912 S ORANGE AVE	Pulse Bar - no permit per caller
293844	Zoning	Closed		1912 S ORANGE AVE	NIGHTCLUB IS OPERATING AT THIS LOCATION IN VIOLATION OF CUP2003-00012. CUP ONLY ALLOWS RESTAURANT/MARTINI BAR TO OPERATE WITHIN 1,000 FEET OF A CHURCH (CHRIST CHURCH, ORLANDO), AND SHOWS THE FLOORPLAN TO BE DINING AREAS. THIS OPERATION IS A NIGHTCLUB.
231036	Business Tax Receipt	Closed		1912 S ORANGE AVE	OCC LIC (NO LICENSE FOR DANCEHALL & ATM)

2.6 Violation: Unpermitted Work (June 1, 2010)

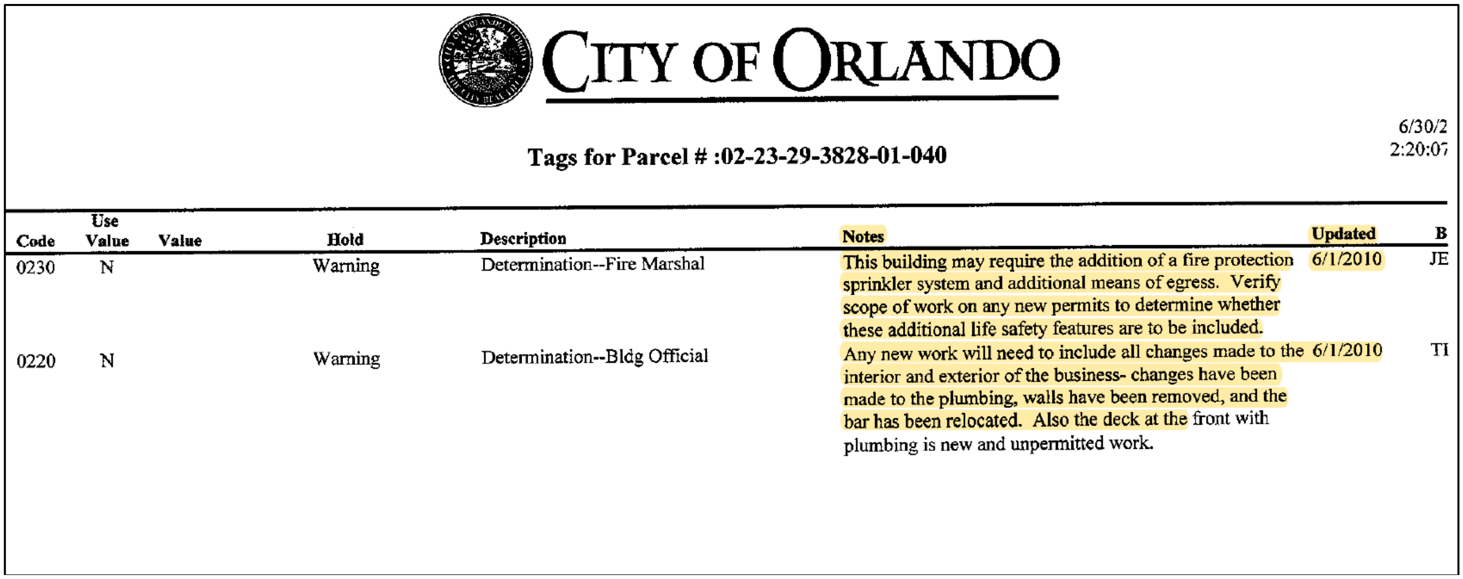
The following warning was released on the Pulse Tragedy Public Records.[6]

The record states, "This building may require the addition of a fire protection sprinkler system and addition means of egress. Verify scope of work on any new permits to determine whether the additional life safety features are to be included. Any new work will need to include all changes made to the 6/1/2010 interior and exterior of the business-changes have been made to the plumbing, walls have been removed, and the bar has been relocated. Also, the deck at the front with plumbing is new and unpermitted work."

The violation summary created by the City of Orlando in 2010 states that these parcel tags were created by Tim Johnson and Jack Richardson (both employee of the Permitting Services Division).

According to the public records available, these issues were never resolved, a sprinkler system was never added, the scope of work was never verified, and the need for additional life safety features was never assessed.

For more details about this collection of issues, see the Orlando Fire Department (OFD) records in *4.8 Orlando Fire Department vs. Permitting Services*.



CITY OF ORLANDO

6/30/2
2:20:07

Tags for Parcel # :02-23-29-3828-01-040

Code	Use Value	Value	Hold	Description	Notes	Updated	B
0230	N		Warning	Determination--Fire Marshal	This building may require the addition of a fire protection sprinkler system and additional means of egress. Verify scope of work on any new permits to determine whether these additional life safety features are to be included.	6/1/2010	JE
0220	N		Warning	Determination--Bldg Official	Any new work will need to include all changes made to the interior and exterior of the business- changes have been made to the plumbing, walls have been removed, and the bar has been relocated. Also the deck at the front with plumbing is new and unpermitted work.	6/1/2010	TI

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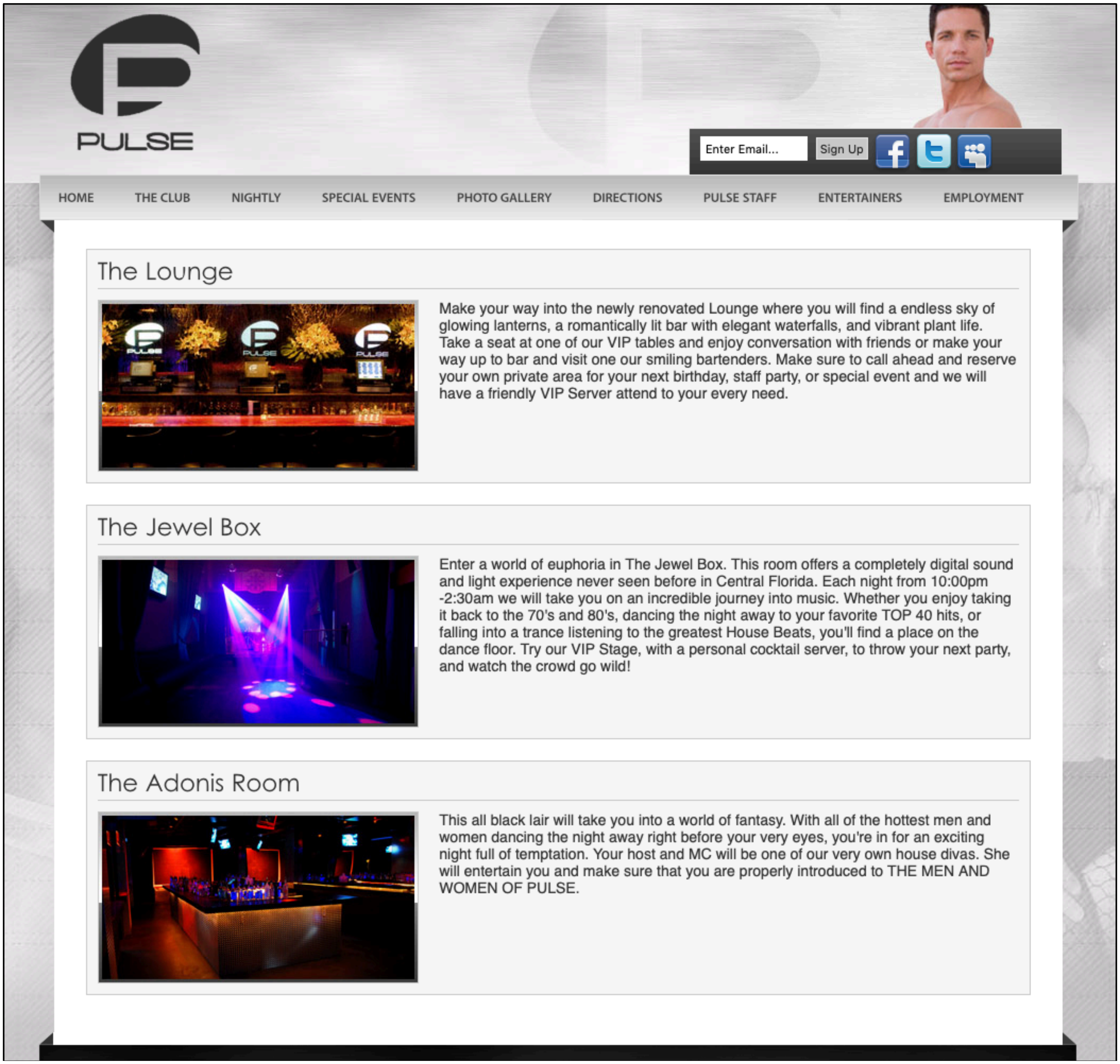
[6] https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records

2.7 Pulse Advertises Renovations

As early as July 25, 2010, Pulse's unpermitted renovations and illegally modified interior were advertised on the Pulse website. "Make your way into the newly renovated Lounge… you'll find a place on the dance floor" the club's updated website stated.



The Lounge

Make your way into the newly renovated Lounge where you will find a endless sky of glowing lanterns, a romantically lit bar with elegant waterfalls, and vibrant plant life. Take a seat at one of our VIP tables and enjoy conversation with friends or make your way up to bar and visit one our smiling bartenders. Make sure to call ahead and reserve your own private area for your next birthday, staff party, or special event and we will have a friendly VIP Server attend to your every need.

The Jewel Box

Enter a world of euphoria in The Jewel Box. This room offers a completely digital sound and light experience never seen before in Central Florida. Each night from 10:00pm -2:30am we will take you on an incredible journey into music. Whether you enjoy taking it back to the 70's and 80's, dancing the night away to your favorite TOP 40 hits, or falling into a trance listening to the greatest House Beats, you'll find a place on the dance floor. Try our VIP Stage, with a personal cocktail server, to throw your next party, and watch the crowd go wild!

The Adonis Room

This all black lair will take you into a world of fantasy. With all of the hottest men and women dancing the night away right before your very eyes, you're in for an exciting night full of temptation. Your host and MC will be one of our very own house divas. She will entertain you and make sure that you are properly introduced to THE MEN AND WOMEN OF PULSE.

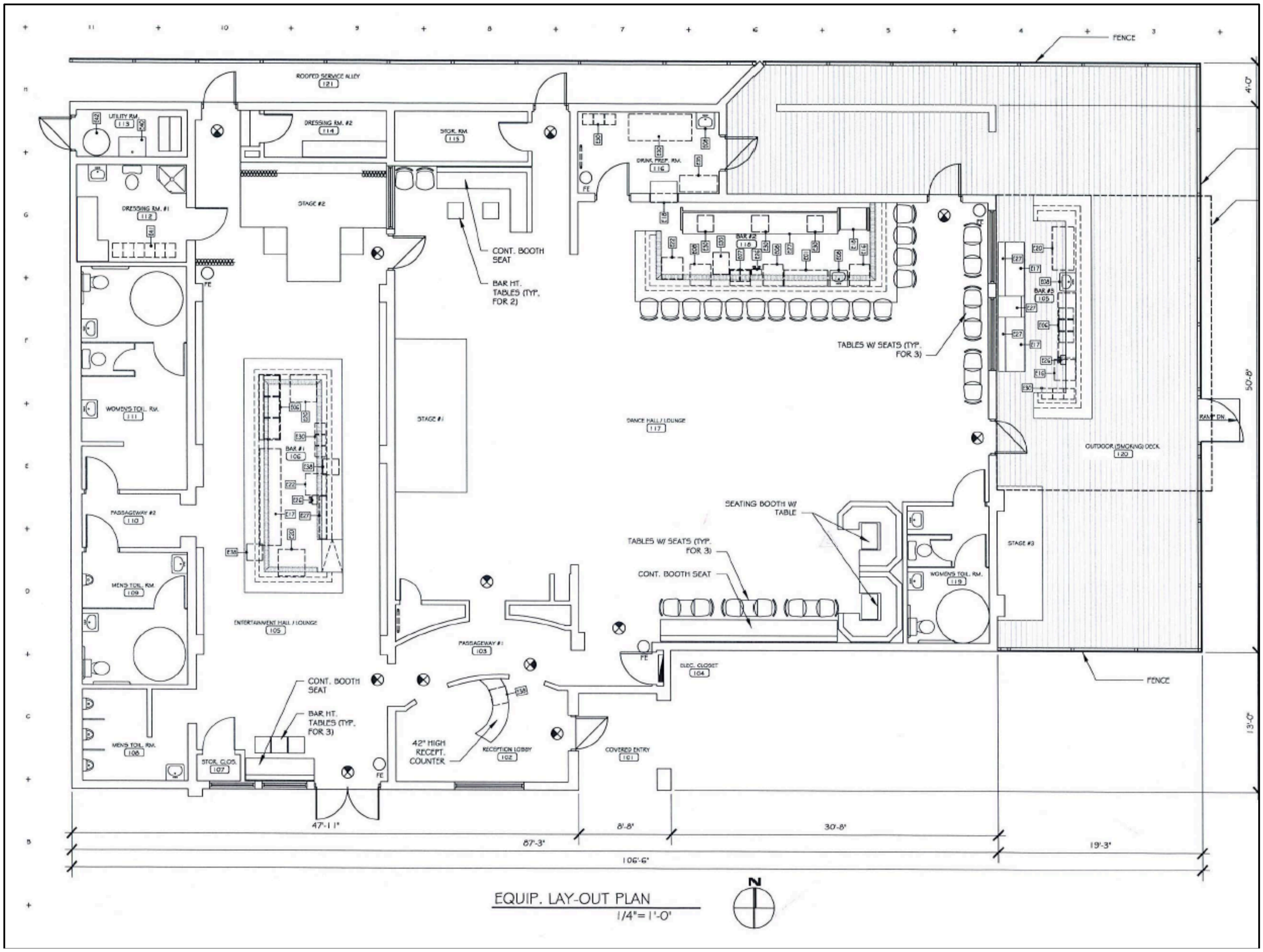
Figure 16: Screenshot of Pulse's website as it existed on June 25, 2010, taken using the Wayback Machine, https://archive.org/web/.

2.8 Unpermitted Floor Plans

On May 20, 2010, Wendy Baker Truett—an employee of the Poma's—emailed updated floor plans to Timothy Johnson, Deputy Director of the Economic Development Department of the City of Orlando (then Division Manager of the Permitting Services Division).

Ms. Truett sent multiple documents to the City of Orlando in regards to Pulse from the email wendy1360@aol.com. This particular email had the subject line "Pulse" and no written content. The floor plans were sent in another email with no written content with the subject line: "kools (wildside Kiss)." Only the floor plans seen below.

You can compare these unpermitted building plans with the last permitted building plans on file with the City, see *2.1 Original Floor Plans: BLDG2003-08240*. These floor plans were not associated with any permit and, thus, were never put into the City of Orlando's building records system because the renovations were illegal and unpermitted.


FENCE
ROOFED SERVICE ALLEY 121
UTILITY RM. 113
DRESSING RM. #2 114
STOR. RM. 115
DRINK PREP. RM. 116
DRESSING RM. #1 112
STAGE #2
CONT. BOOTH SEAT
BAR HT. TABLES (TYP. FOR 2)
BAR #2 118
TABLES W/ SEATS (TYP. FOR 3)
BAR #3 105
4'-0"
WOMEN'S TOIL. RM. 111
BAR #1 106
STAGE #1
DANCE HALL / LOUNGE 117
RAMP DN.
OUTDOOR (SMOKING) DECK 120
50'-8"
PASSAGEWAY #2 110
SEATING BOOTH W/ TABLE
TABLES W/ SEATS (TYP. FOR 3)
CONT. BOOTH SEAT
STAGE #3
WOMEN'S TOIL. RM. 119
MENS TOIL. RM. 109
ENTERTAINMENT HALL / LOUNGE 105
PASSAGEWAY #1 103
FE
ELEC. CLOSET 104
FENCE
CONT. BOOTH SEAT
BAR HT. TABLES (TYP. FOR 3)
MENS TOIL. RM. 108
STOR. CLOS. 107
42" HIGH RECEPT. COUNTER
RECEPTION LOBBY 102
COVERED ENTRY 101
13'-0"
47'-11"
8'-8"
30'-8"
87'-3"
19'-3"
106'-6"
EQUIP. LAY-OUT PLAN
1/4"=1'-0"
N

When the unpermitted floor plans above are compared with the last permitted floor plans on record with the City of Orlando (see *1.1 Converting a Restaurant to Pulse*), the following modifications are observable:

1. New stage in the Adonis Room, with a new back staging area that had an additional door near the exit door (top left);

2. The bar area of the Adonis Room was shortened and remodeled to make room for the stage (middle left);

3. The men's bathroom in the Adonis Room was expanded to make room for three additional urinals, which replaced what was permitted as a small VIP seating area (bottom left);

4. The men's and women's bathrooms in the Adonis Room were renovated, with doors moved and door swings and walls modified. This is the location where the wall was breached to rescue victims who were hiding in these rooms (middle far left);

5. A seating area with was installed, along with new exit doors in the Adonis Room (bottom left);

6. A storage closet was added to the Adonis Room (bottom left);

7. A bathroom was added to the dressing room in the Adonis Room (top left);

8. A new door was added that connected the Adonis Room to the Dance Floor (middle, between stages);

9. A new seating area was added to the original dance floor (top middle);

10. A new storage closet was added near the main dance floor that had a new door next to an "exit" door that led out to the enclosed, fenced-in storage/trash area (top middle);

11. Exit door appears to have been moved and new walls were added to create the storage space, seating area, and reposition what was once an office area (top middle);

12. What was once the Martini Lounge was completely remodeled, starting with the circular bar which was demolished and replaced by a new rectangular bar; a sink was added to what was once the office area and it became a kitchenette; a door was removed; an exit door that emptied out onto the patio was moved (top right);

13. Women's and men's bathrooms in the Martini Lounge were combined into one smaller Bathroom (bottom right);

14. VIP seating areas in the Martini Lounge were completely remodeled (bottom right);

15. New walls and a built-in reception desk were added to the Foyer that closed it off from the main dance floor (bottom middle);

16. A new hallway was created that connected the Adonis Room, Dance Floor, and the former Martini Lounge (bottom middle);

17. Stage was added to the main dance floor (center);

18. The patio was expanded, a new patio bar was built, the fence was added to enclose and conceal the outdoor patio, and it appears that the upper door leading out to the patio may have been moved from previous location (right).

This is not a complete list of the unpermitted interior modifications, but they do show that the unpermitted work done to Pulse was expansive and major. Many of these unpermitted modifications would have required plumbing, electrical, and building permits to have been pulled. If done legally, these renovations would have been inspected.

It should also be noted that there are also **other interior modifications and features that are not represented on these floor plans**.

These include:

1. the smaller "stages" and dancing boxes in the Adonis Room that were used by go-go dancers and that took up additional floorspace (see *Figure 18*); and

2. the second floor DJ Booth and office space, along with the ladder in the remodeled kitchenette.

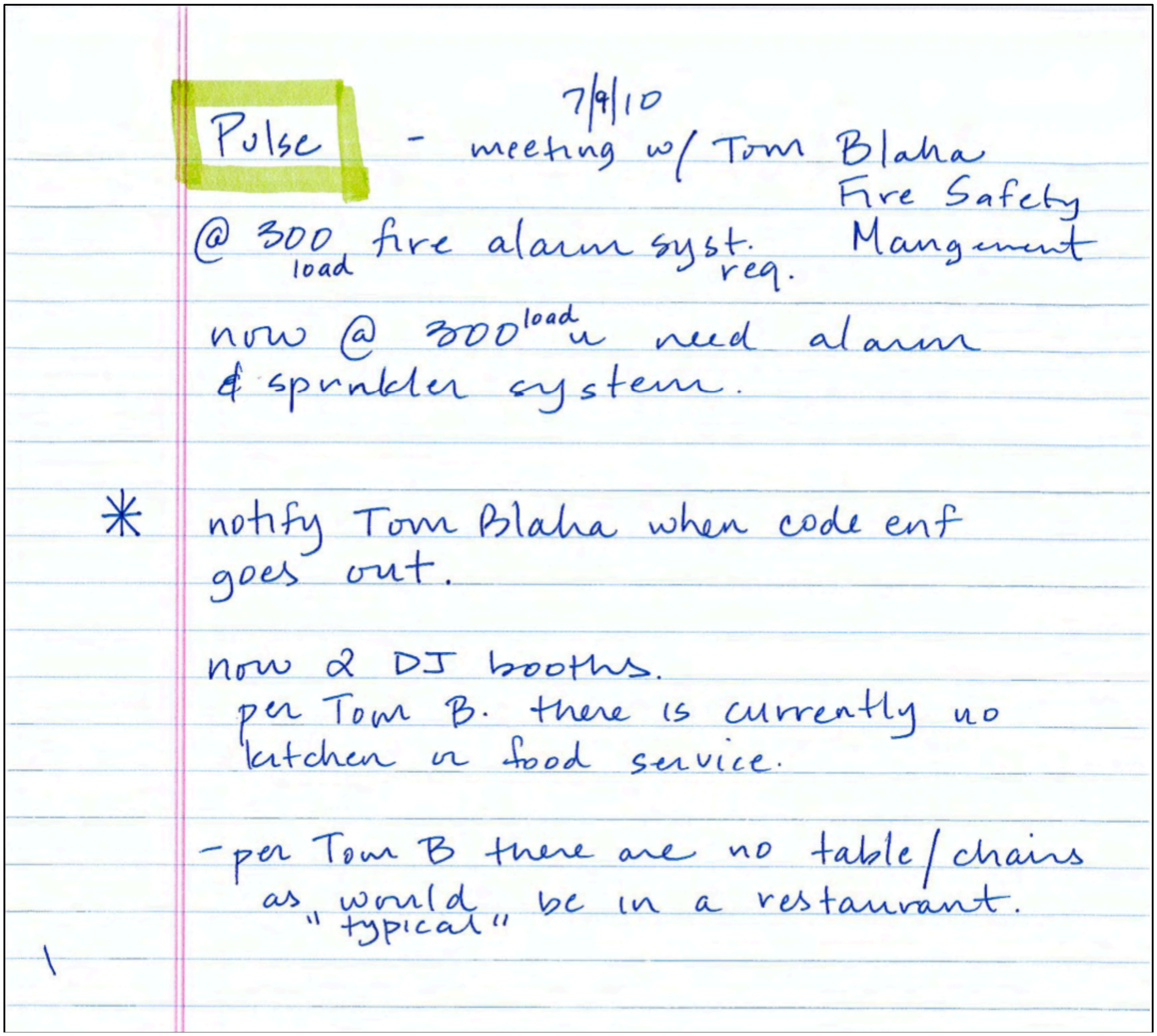
This calls into question whether or not occupant loads were ever calculated correctly by the Orlando Fire Department if the floor plans never accurately represented the actual layout of the nightclub. We have requested all occupant load calculation worksheets through an individual public records request (see *4.10 Varying Occupant Loads*).

After receiving the emailed building plans, the City of Orlando's Economic Development Department and Permitting Division did not investigate or inspect unpermitted interior building modifications and left them unchecked for over six years. These unpermitted renovations were never back-permitted and the Pulse Nightclub was never brought into compliance.

However, soon after these unpermitted floor plans were received via email, Timothy Johnson (Permitting Services) and Tom Blaha (an inspector with the Orlando Fire Department) met to discuss Pulse on July 9, 2010.

The following notes (author unidentified) were released on the Pulse Tragedy Public Records page and they list a number of violations of building code, code enforcement, and the conditional use permit, including: (1) the need for alarm and sprinkler systems; (2) new DJ booths; and (3) the absence of a kitchen, tables, or chairs (in violation of its approved use as a restaurant per the CUP).

Original floor plans (see _2.1 Original Floor Plans: BLDG2003-08240_) show there never was a kitchen and that owners never intended to operate Pulse as a restaurant, even though they provided a menu to the Municipal Planning Board for their conditional use permit.



7/9/10

Pulse - meeting w/ Tom Blaha
Fire Safety
Mangement

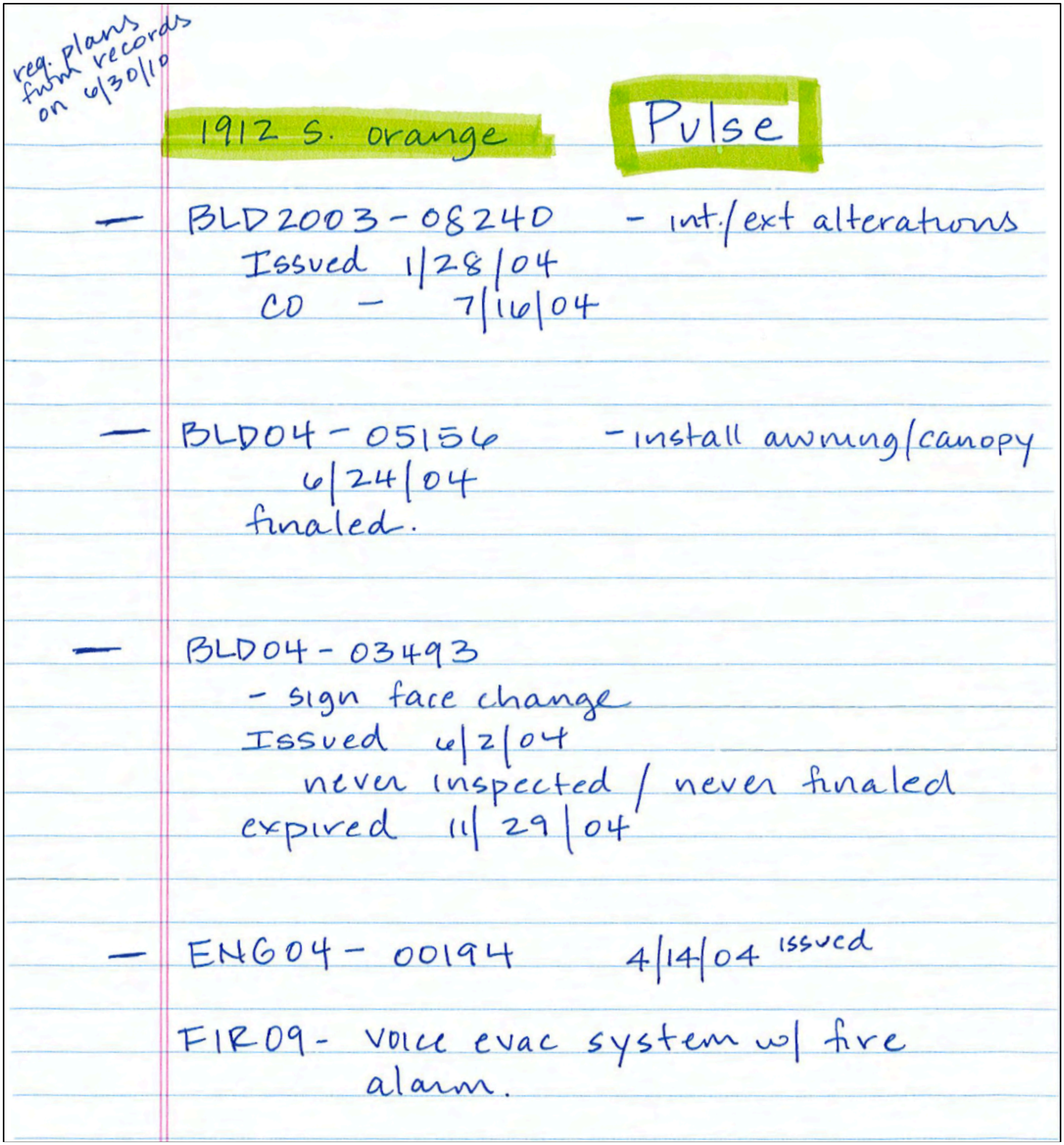
@ 300 load fire alarm syst. req.

now @ 300 load u need alarm
& sprnkler system.

* notify Tom Blaha when code enf
goes out.

now 2 DJ booths.
per Tom B. there is currently no
kitchen or food service.

- per Tom B there are no table/chairs
as would "typical" be in a restaurant.



req. plans
from records
on 6/30/10

1912 S. orange Pulse

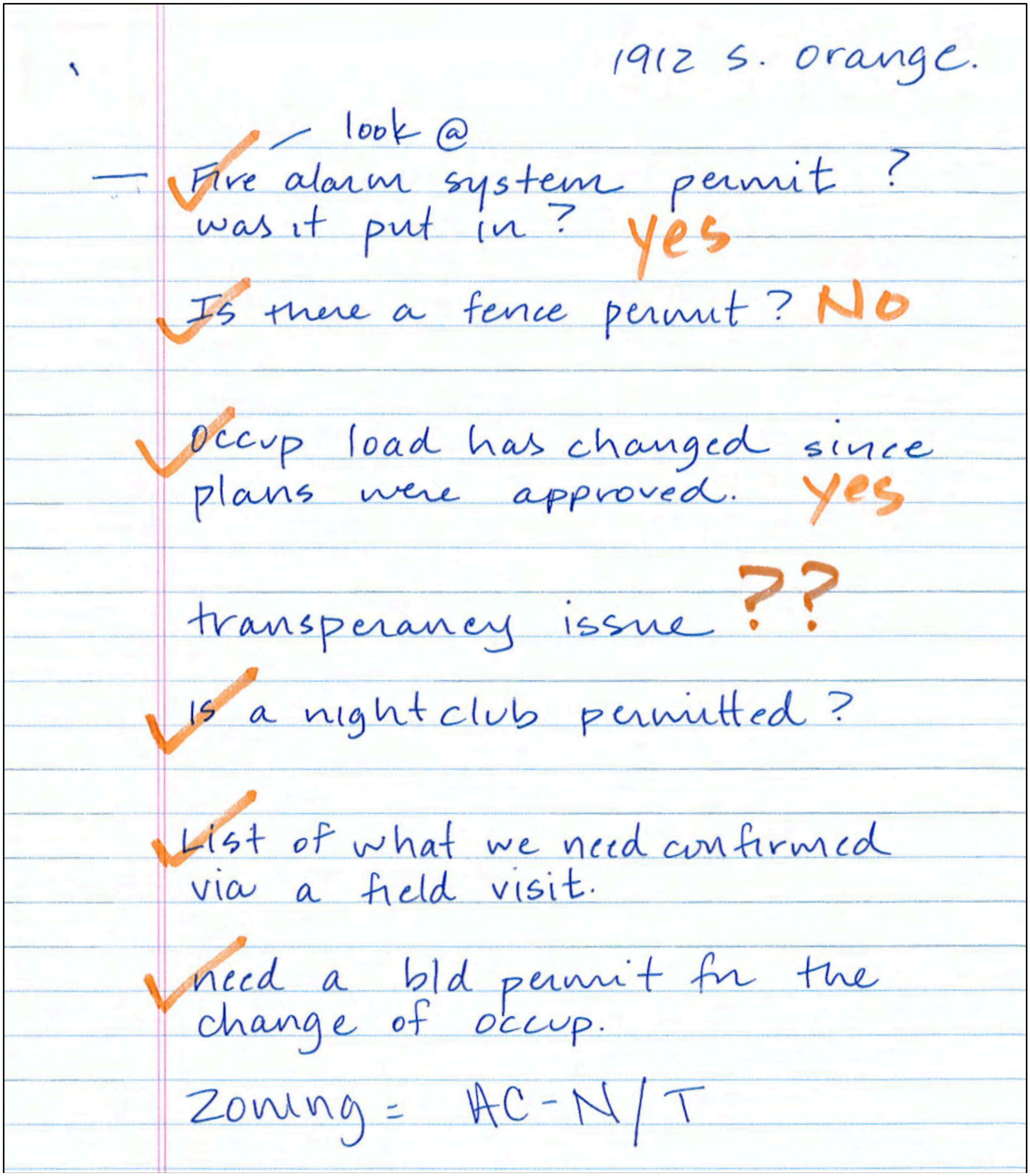
— BLD2003-08240 - int./ext alterations
Issued 1/28/04
CO - 7/16/04

— BLD04-05156 - install awning/canopy
6/24/04
finaled.

— BLD04-03493
- sign face change
Issued 6/2/04
never inspected / never finaled
expired 11/29/04

— ENG04-00194 4/14/04 issued

FIR09- voice evac system w/ fire
alarm.



1912 S. Orange.

— look @

— ✓ Fire alarm system permit ?
was it put in ? yes

✓ Is there a fence permit ? No

✓ Occup load has changed since
plans were approved. yes

transperancy issue ??

✓ Is a night club permitted ?

✓ List of what we need confirmed
via a field visit.

✓ need a bld permit fr the
change of occup.

Zoning = AC-N/T

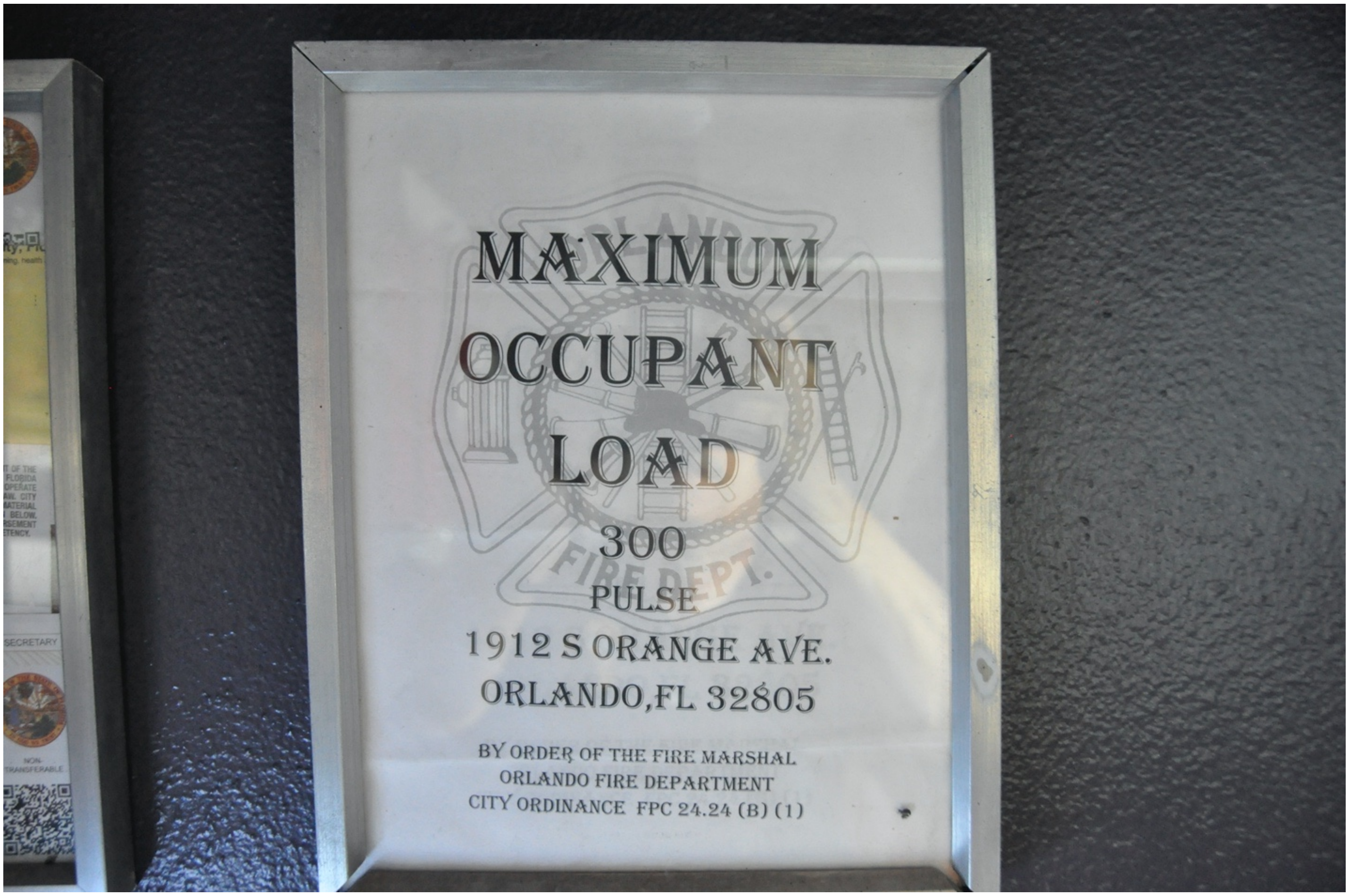
2.9 After Photos: Pulse's Unpermitted Interior

The following photos were taken on March 11, 2015 as part of a fire inspection of Pulse and show the extent to which the interior of the nightclub was modified without permits at that time.

In addition to documenting the unpermitted renovations and structural modifications that were made to the interior of Pulse, these photos also show some of the fire code violations that were overlooked during site visits.

Notably, curtains were hanging over doorways that blocked the visibility of exits (both the metal beaded curtains and the black velvet curtains).

You can compare the following photos with theose taken of the nightclub's interior prior to most renovations in _2.2 Before Photos: Interior of Pulse Prior to Most Unpermitted Renovations._ However, the unpermitted reception area and hallway, along with some other modifications, were already completed by the time the "before photos' were taken on February 4, 2009. We have requested all photos of Pulse taken between 2004 and 2009 through an individual record request.



MAXIMUM
OCCUPANT
LOAD
300
PULSE
1912 S ORANGE AVE.
ORLANDO,FL 32805
BY ORDER OF THE FIRE MARSHAL
ORLANDO FIRE DEPARTMENT
CITY ORDINANCE FPC 24.24 (B) (1)

Figure 17: Photo showing the Pulse Nightclub's maximum occupant load to be set at 300. This number was altered numerous times throughout the nightclub's tenure. Photo obtained through individual public record request.

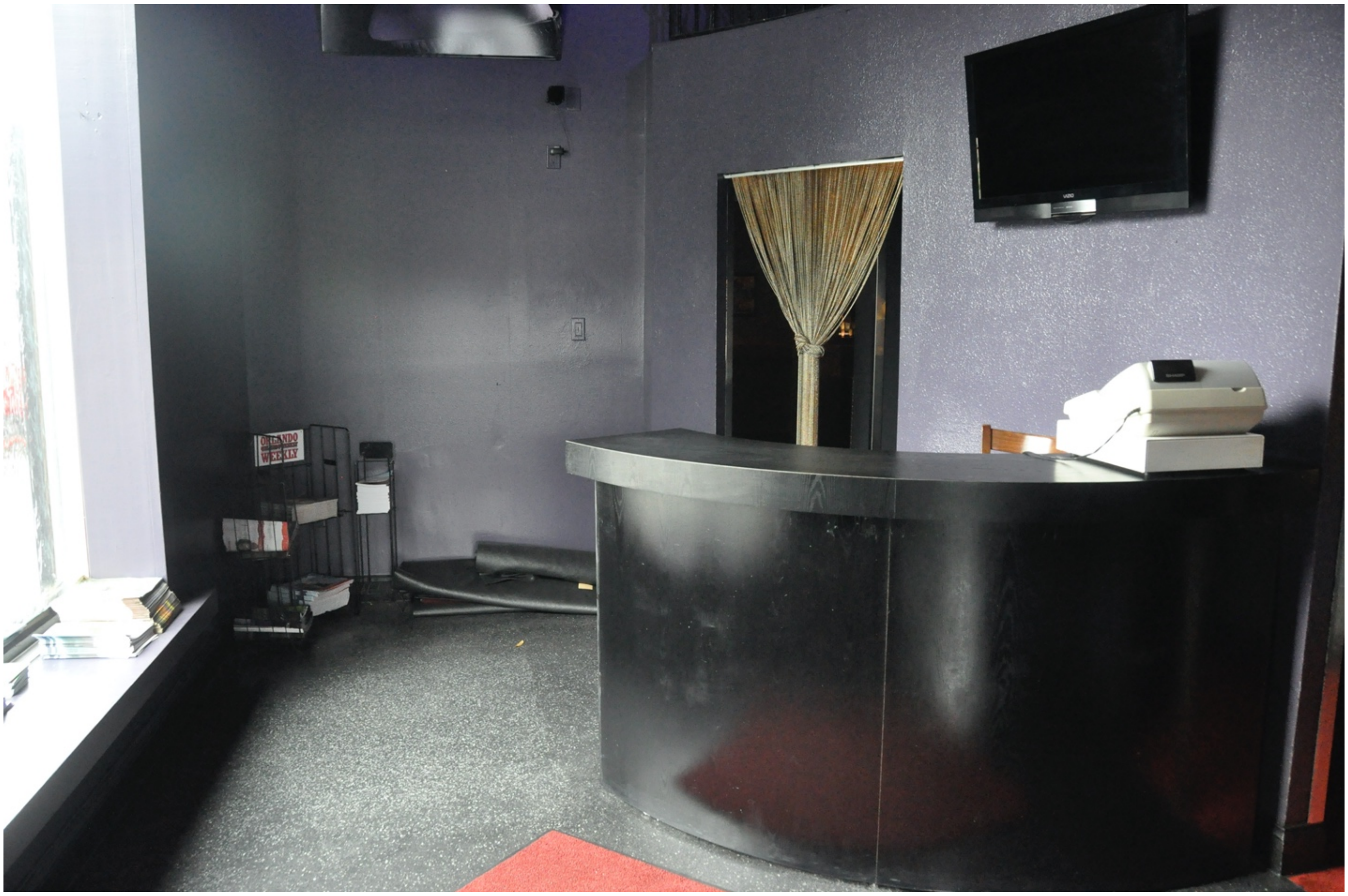


Figure 18: Photo showing the unpermitted reception area that was created with an unpermitted wall. The photo also (again) shows the beaded curtains hanging from the doorways, which are a violation of fire code as they obstruct the view of exits. This is also where a gun battle took place between the shooters and first responders. Photo obtained through individual public record request and not previously released to the public.

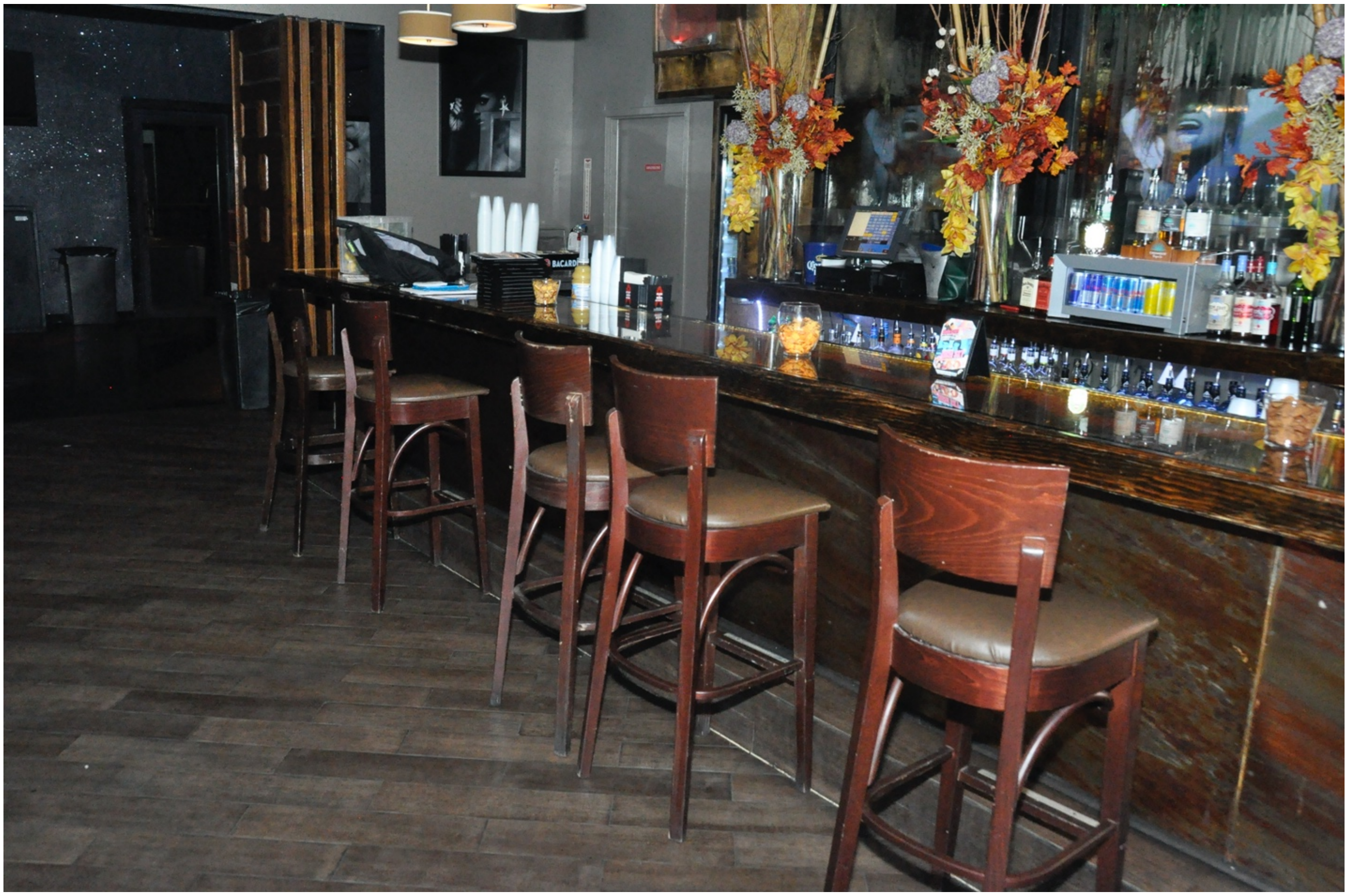


Figure 19: Photo showing the renovated bar, which was built without permits. The original bar was circular in shape and in a different location, which you can view in Figure 2 and Figure 3. Photo obtained through individual public record request.

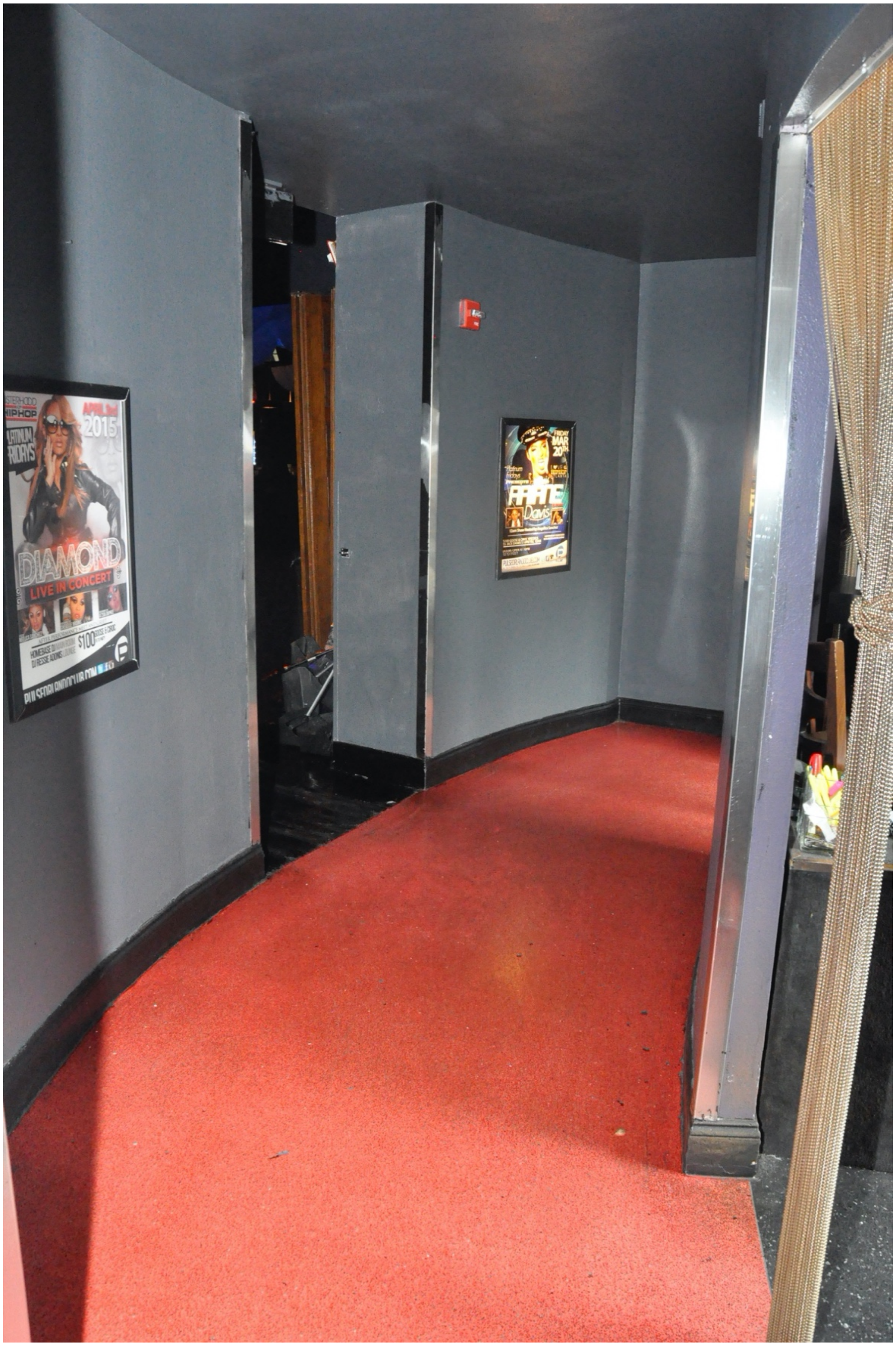


Figure 20: Photo showing one of the narrow hallways that was created through unpermitted renovations. This hallway connected the rooms of the club and separated the reception area. On the night of the shooting, this unpermitted hallway prevented law enforcement from rescuing patrons and locating the shooter effectively. A shoot out occurred when police entered the building by breaking the window facing W. Esther Street in the reception area. Photo obtained through individual public record request.

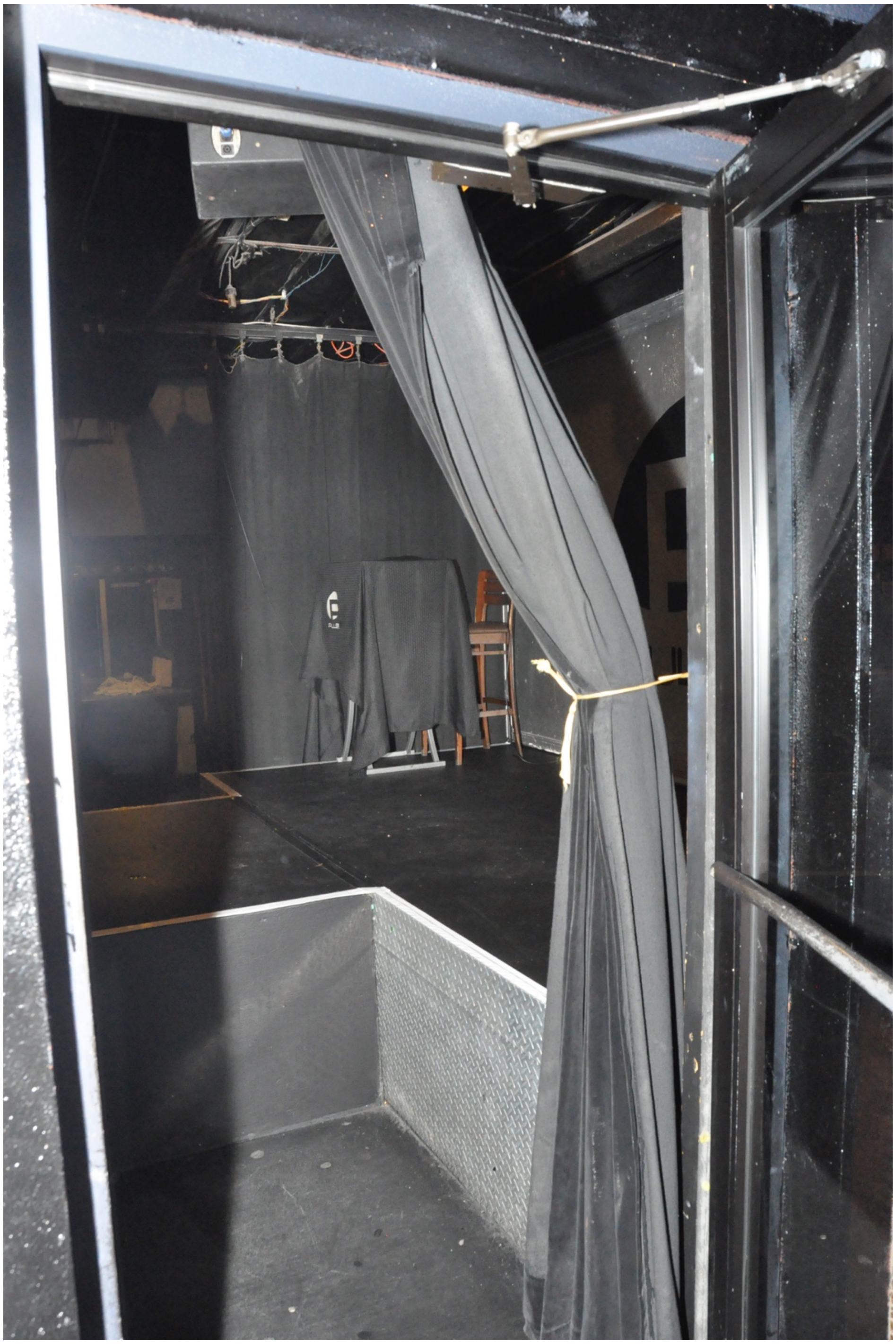


Figure 21: Photo showing a door covered by a curtain and unpermitted stage. Having curtains in doorways or covering doors is against fire code, as they can conceal exits. Photo obtained through individual public record request.

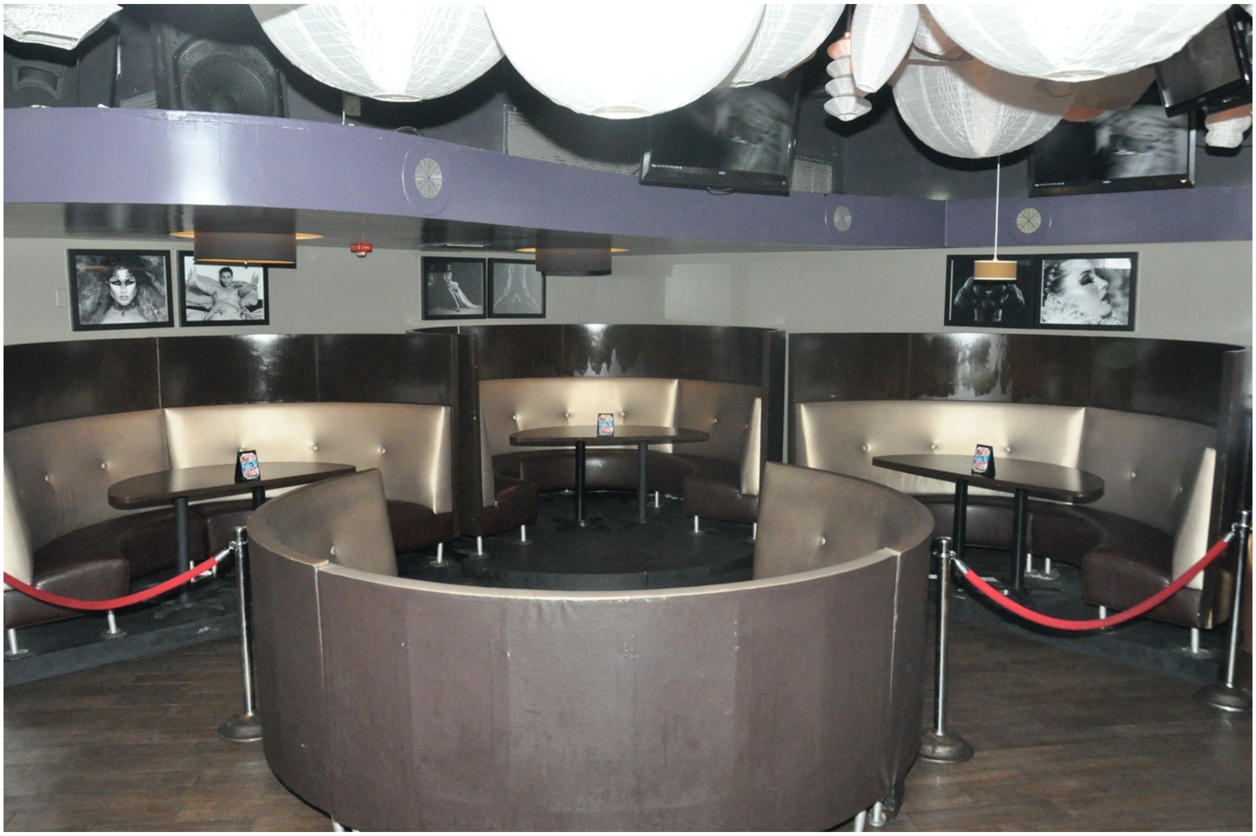


Figure 22: Photo showing the unpermitted renovations that resulted in a smaller bathroom area and an expanded VIP seating area. Photo obtained through individual public record request.

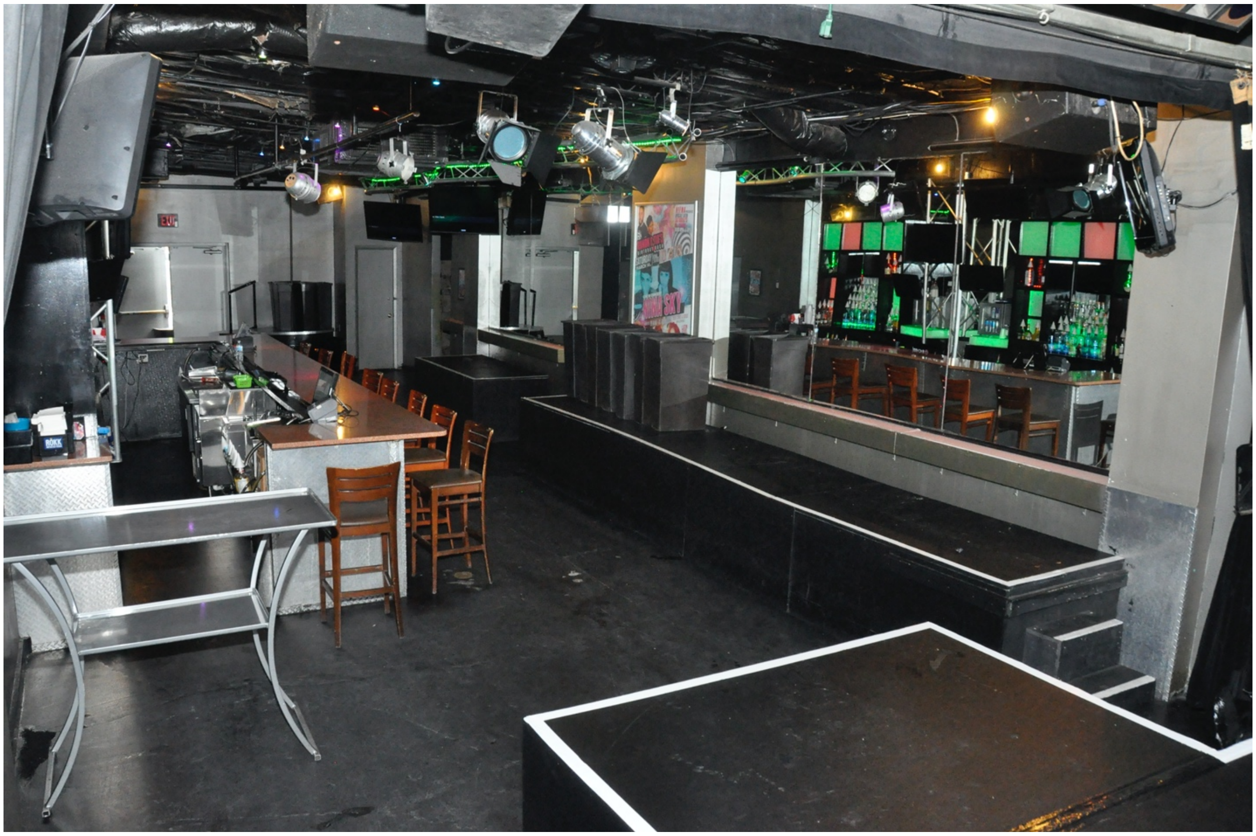


Figure 23: Photo showing the stages that were set up in the "Adonis Room," which significantly reduced the area and floor space accessible to patrons. These stages were used for go-go dancers and entertainers. Photo obtained through individual public record request.

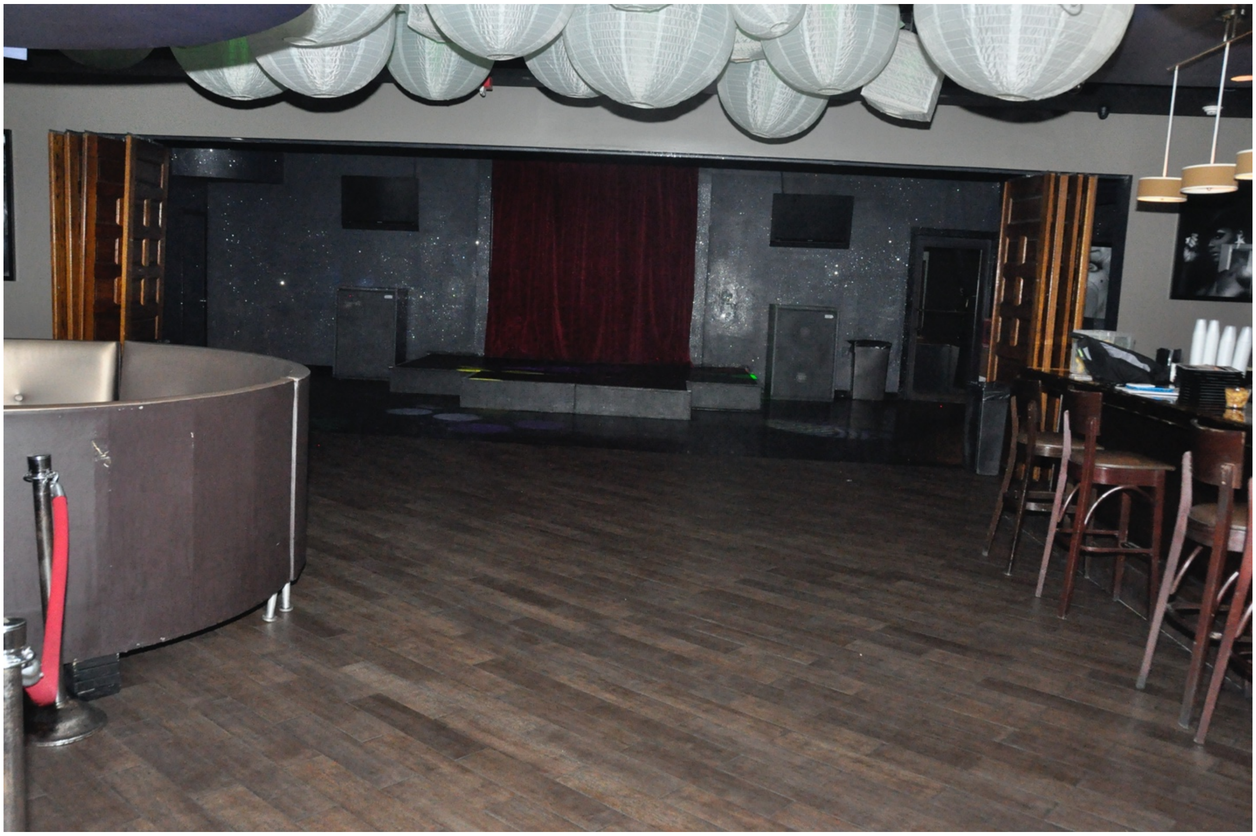


Figure 24: Photo showing Pulse's dance floor and stage. Having a dance floor was a violation of Pulse's conditional use permit, CUP2003-0012. This is where most people were shot and murdered. Photo obtained through individual public record request.

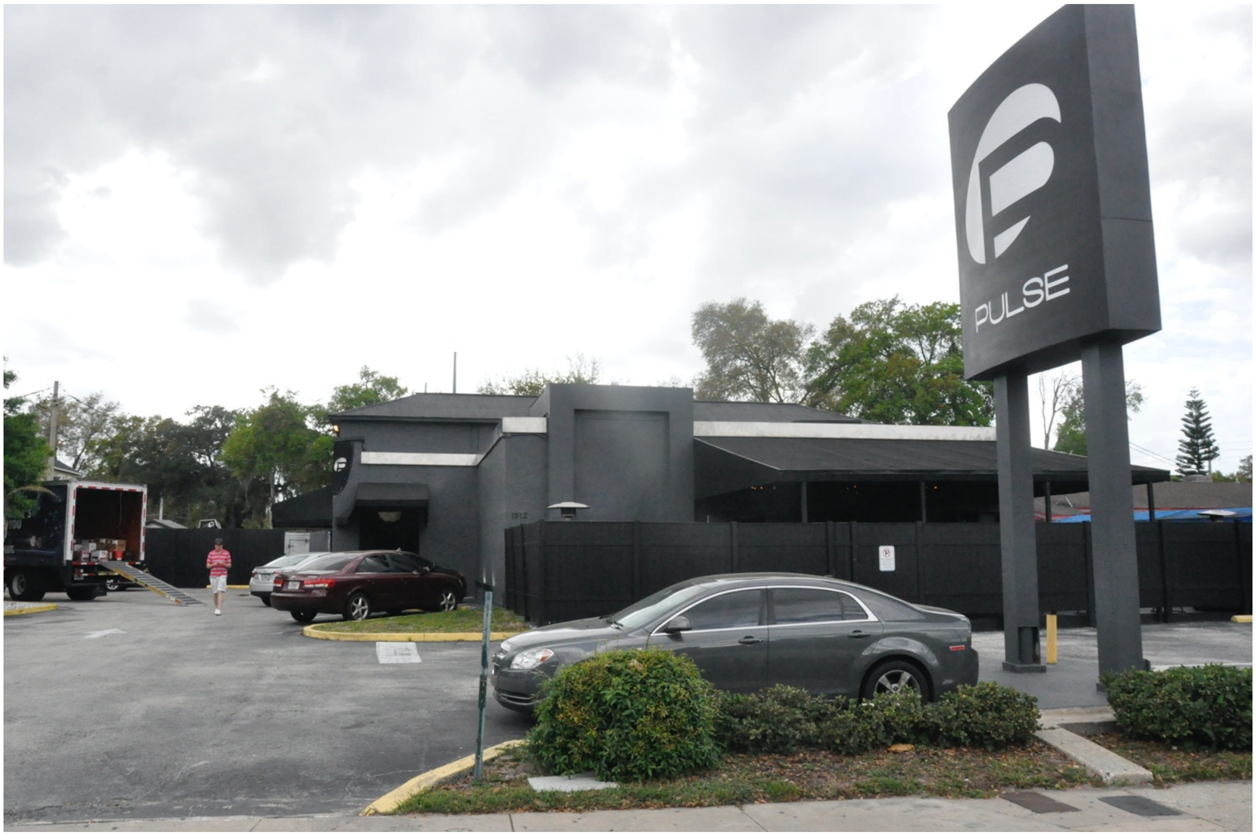
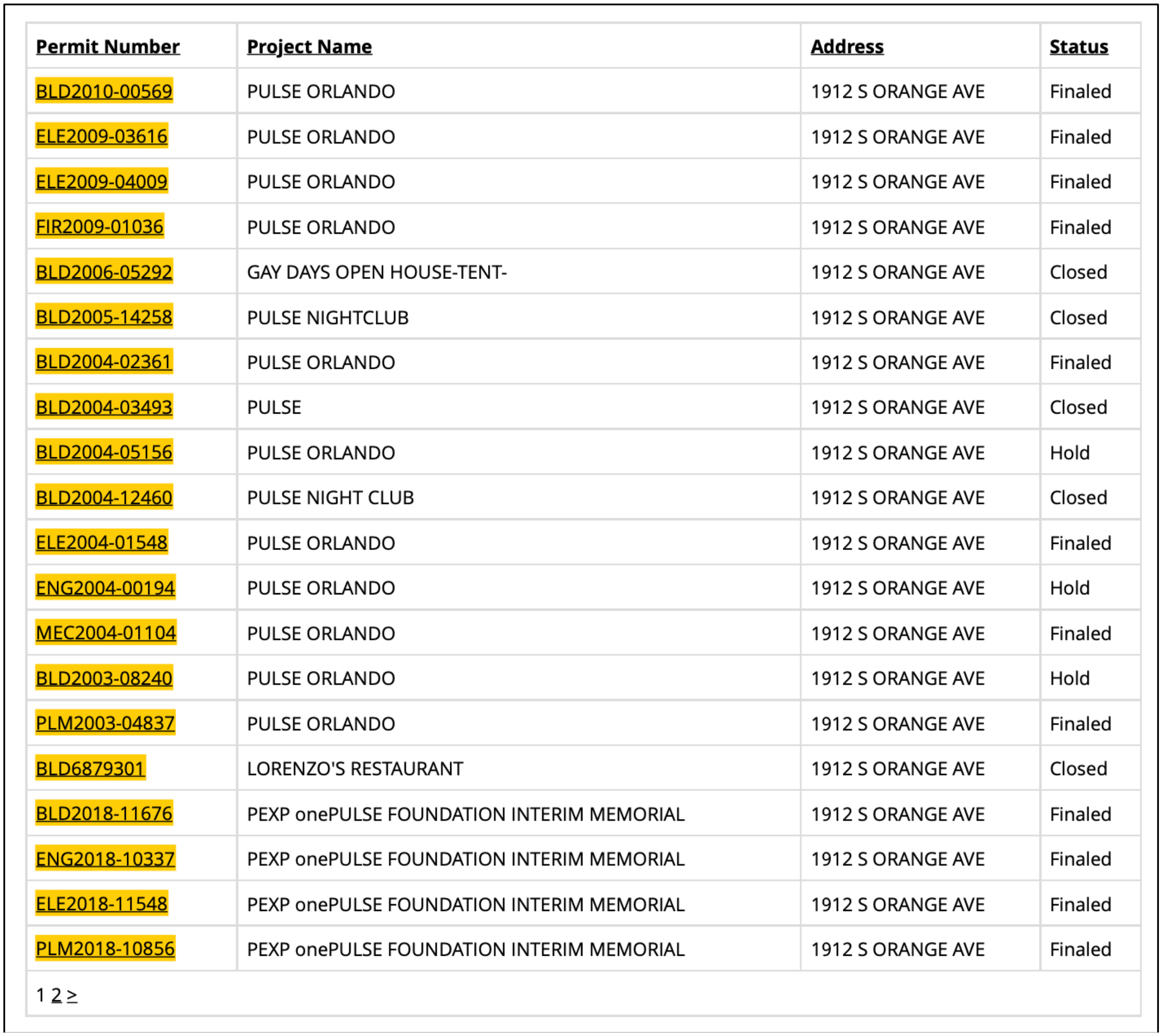


Figure 25: Photo showing the unpermitted fence that enclosed the outdoor patio bar. When the shooting occurred, many survivors escaped only by jumping over and pushing down the fence. Once white vinyl, the 6-foot fence was also painted black, making it harder for survivors to locate latches in the dark and forcing them to knock it down or jump over it. The height of the fence is also against local zoning laws, which for over 6 years were never enforced. Photo obtained through individual public record request.

2.10 All Permits for 1912 S. Orange Avenue

On August 17, 2019, we archived a list of all permits recorded on the City of Orlando's permitting search site.[7] The following two screen shots show all permits for 1912 S. Orange Avenue.

Of these, no permits allowed for interior or exterior structural modifications after 2003, such as the outdoor patio bar, renovated restrooms, a new interior bar, hallways, new walls, new exit doors, new rooms, and second story accessible by ladder.



Permit Number	Project Name	Address	Status
BLD2010-00569	PULSE ORLANDO	1912 S ORANGE AVE	Finaled
ELE2009-03616	PULSE ORLANDO	1912 S ORANGE AVE	Finaled
ELE2009-04009	PULSE ORLANDO	1912 S ORANGE AVE	Finaled
FIR2009-01036	PULSE ORLANDO	1912 S ORANGE AVE	Finaled
BLD2006-05292	GAY DAYS OPEN HOUSE-TENT-	1912 S ORANGE AVE	Closed
BLD2005-14258	PULSE NIGHTCLUB	1912 S ORANGE AVE	Closed
BLD2004-02361	PULSE ORLANDO	1912 S ORANGE AVE	Finaled
BLD2004-03493	PULSE	1912 S ORANGE AVE	Closed
BLD2004-05156	PULSE ORLANDO	1912 S ORANGE AVE	Hold
BLD2004-12460	PULSE NIGHT CLUB	1912 S ORANGE AVE	Closed
ELE2004-01548	PULSE ORLANDO	1912 S ORANGE AVE	Finaled
ENG2004-00194	PULSE ORLANDO	1912 S ORANGE AVE	Hold
MEC2004-01104	PULSE ORLANDO	1912 S ORANGE AVE	Finaled
BLD2003-08240	PULSE ORLANDO	1912 S ORANGE AVE	Hold
PLM2003-04837	PULSE ORLANDO	1912 S ORANGE AVE	Finaled
BLD6879301	LORENZO'S RESTAURANT	1912 S ORANGE AVE	Closed
BLD2018-11676	PEXP onePULSE FOUNDATION INTERIM MEMORIAL	1912 S ORANGE AVE	Finaled
ENG2018-10337	PEXP onePULSE FOUNDATION INTERIM MEMORIAL	1912 S ORANGE AVE	Finaled
ELE2018-11548	PEXP onePULSE FOUNDATION INTERIM MEMORIAL	1912 S ORANGE AVE	Finaled
PLM2018-10856	PEXP onePULSE FOUNDATION INTERIM MEMORIAL	1912 S ORANGE AVE	Finaled

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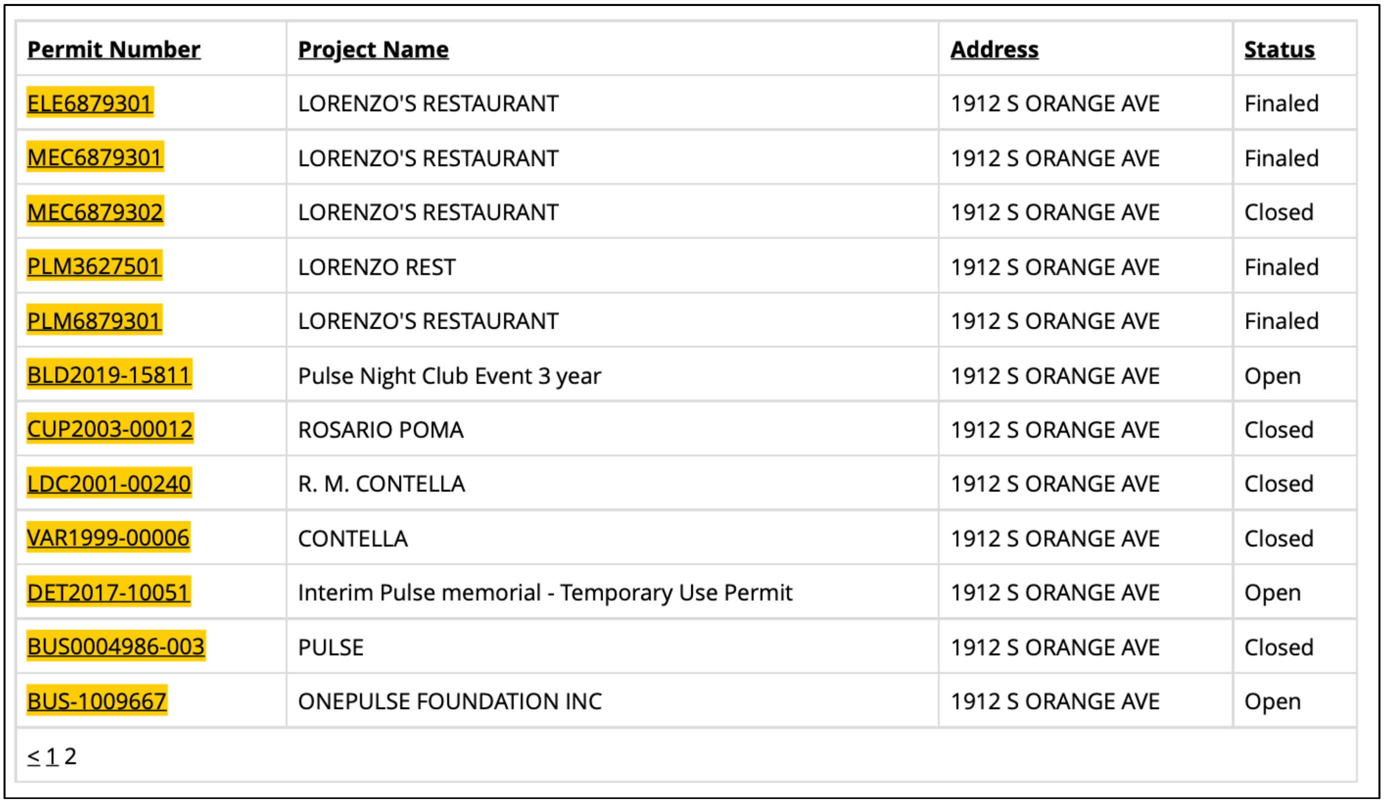
[7] https://permitlookup.cityoforlando.



Permit Number	Project Name	Address	Status
ELE6879301	LORENZO'S RESTAURANT	1912 S ORANGE AVE	Finaled
MEC6879301	LORENZO'S RESTAURANT	1912 S ORANGE AVE	Finaled
MEC6879302	LORENZO'S RESTAURANT	1912 S ORANGE AVE	Closed
PLM3627501	LORENZO REST	1912 S ORANGE AVE	Finaled
PLM6879301	LORENZO'S RESTAURANT	1912 S ORANGE AVE	Finaled
BLD2019-15811	Pulse Night Club Event 3 year	1912 S ORANGE AVE	Open
CUP2003-00012	ROSARIO POMA	1912 S ORANGE AVE	Closed
LDC2001-00240	R. M. CONTELLA	1912 S ORANGE AVE	Closed
VAR1999-00006	CONTELLA	1912 S ORANGE AVE	Closed
DET2017-10051	Interim Pulse memorial - Temporary Use Permit	1912 S ORANGE AVE	Open
BUS0004986-003	PULSE	1912 S ORANGE AVE	Closed
BUS-1009667	ONEPULSE FOUNDATION INC	1912 S ORANGE AVE	Open

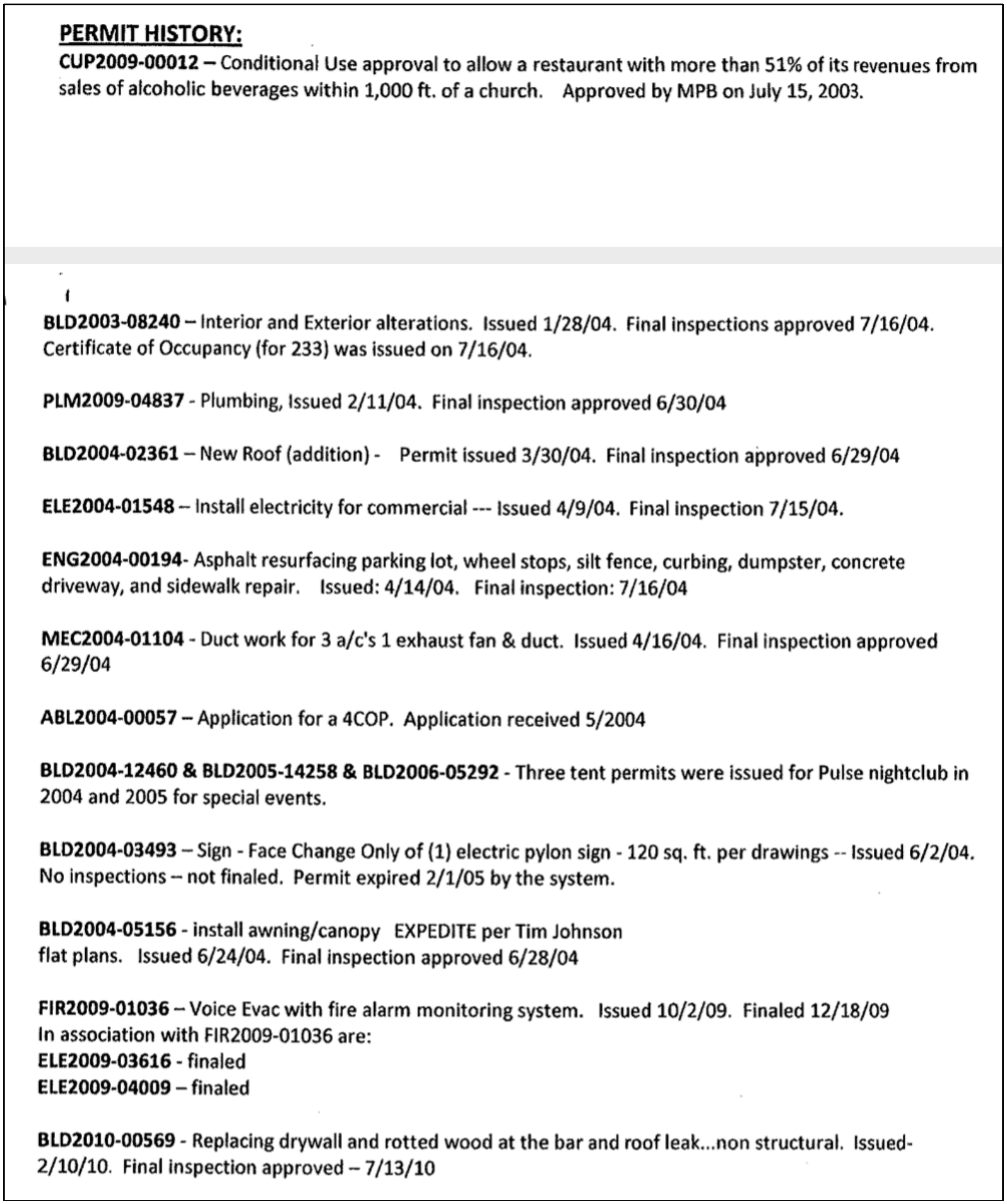
≤ 1 2

This permit record show that after Pulse opened, no building permits were pulled to modify the interior or exterior of the building.

The building permit that was pulled in 2010 (BLDG2010- 00669) was a repair/replace permit that did not include any building plans since structural modifications were not part of the scope of the work permitted (see *2.11 Scope of Work for BLD2010-00569*).

[Continued on next page]

In addition to the records available through the City of Orlando’s Permit Lookup site, city officials also put together the following outline of the permits pulled for Pulse. This document was released by the City of Orlando through the Pulse Tragedy Public Records site.[8]



PERMIT HISTORY:

CUP2009-00012 – Conditional Use approval to allow a restaurant with more than 51% of its revenues from sales of alcoholic beverages within 1,000 ft. of a church. Approved by MPB on July 15, 2003.

BLD2003-08240 – Interior and Exterior alterations. Issued 1/28/04. Final inspections approved 7/16/04. Certificate of Occupancy (for 233) was issued on 7/16/04.

PLM2009-04837 - Plumbing, Issued 2/11/04. Final inspection approved 6/30/04

BLD2004-02361 – New Roof (addition) - Permit issued 3/30/04. Final inspection approved 6/29/04

ELE2004-01548 – Install electricity for commercial --- Issued 4/9/04. Final inspection 7/15/04.

ENG2004-00194- Asphalt resurfacing parking lot, wheel stops, silt fence, curbing, dumpster, concrete driveway, and sidewalk repair. Issued: 4/14/04. Final inspection: 7/16/04

MEC2004-01104 - Duct work for 3 a/c's 1 exhaust fan & duct. Issued 4/16/04. Final inspection approved 6/29/04

ABL2004-00057 – Application for a 4COP. Application received 5/2004

BLD2004-12460 & BLD2005-14258 & BLD2006-05292 - Three tent permits were issued for Pulse nightclub in 2004 and 2005 for special events.

BLD2004-03493 – Sign - Face Change Only of (1) electric pylon sign - 120 sq. ft. per drawings -- Issued 6/2/04. No inspections – not finaled. Permit expired 2/1/05 by the system.

BLD2004-05156 - install awning/canopy EXPEDITE per Tim Johnson
flat plans. Issued 6/24/04. Final inspection approved 6/28/04

FIR2009-01036 – Voice Evac with fire alarm monitoring system. Issued 10/2/09. Finaled 12/18/09
In association with FIR2009-01036 are:
ELE2009-03616 - finaled
ELE2009-04009 – finaled

BLD2010-00569 - Replacing drywall and rotted wood at the bar and roof leak...non structural. Issued- 2/10/10. Final inspection approved – 7/13/10

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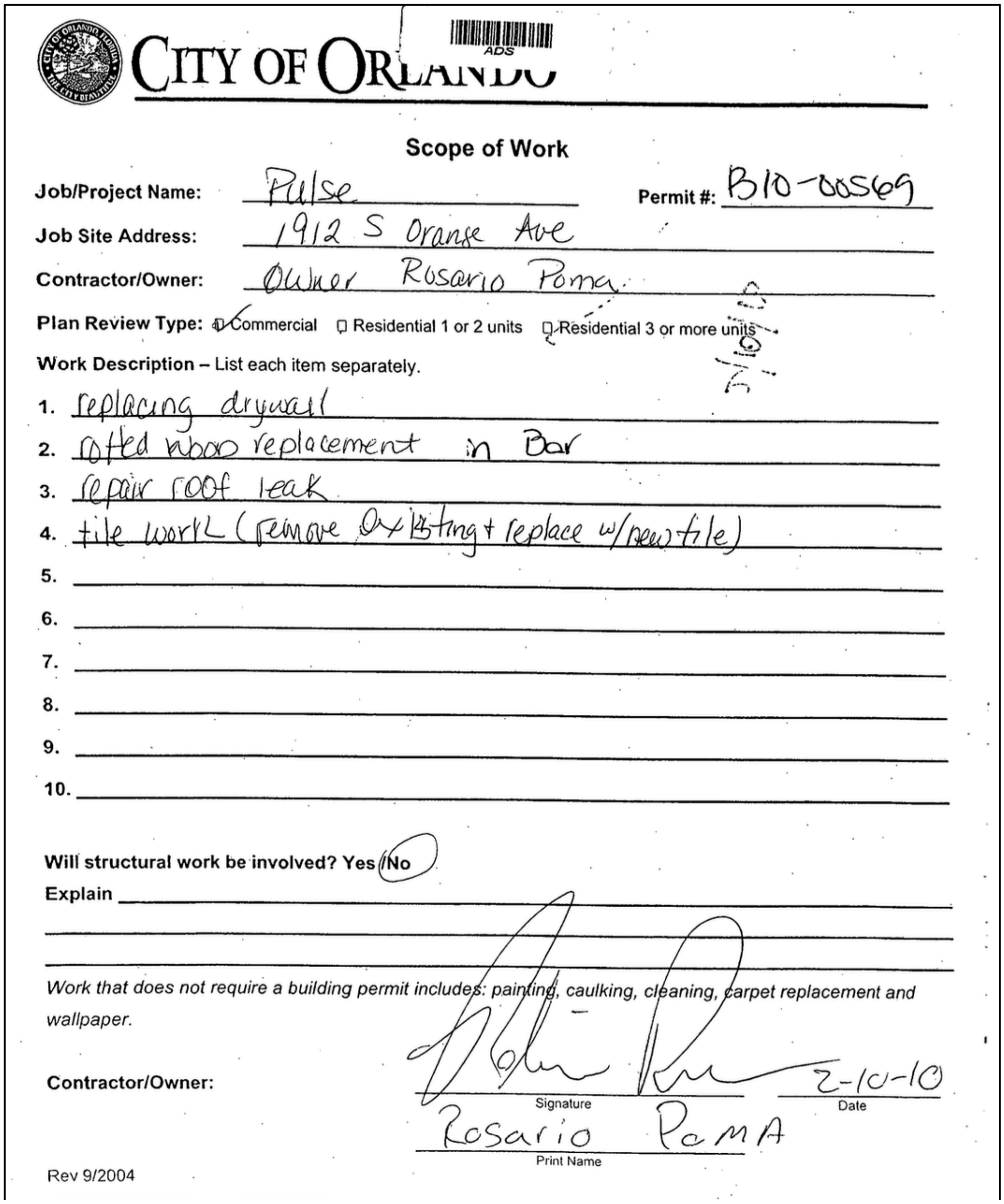
[8] https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records

2.11 Scope of Work for BLD2010-00569

The following “Scope of Work” document from February 10, 2010 outlines the work that was permitted as part of building permit BLD2010-00659.

This was a “repair/replace” permit, with Pulse co-owner Rosario Poma marking that “no structural work” was involved.



ADS

CITY OF ORLANDO

Scope of Work

Job/Project Name: Pulse **Permit #:** B10-00569

Job Site Address: 1912 S Orange Ave

Contractor/Owner: Owner Rosario Poma

Plan Review Type: ☑ Commercial ☐ Residential 1 or 2 units ☐ Residential 3 or more units

Work Description – List each item separately.

1. replacing drywall
2. rotted wood replacement in Bar
3. repair roof leak
4. tile work (remove existing + replace w/new tile)
5.
6.
7.
8.
9.
10.

Will structural work be involved? Yes [✓ No]

Explain

Work that does not require a building permit includes: painting, caulking, cleaning, carpet replacement and wallpaper.

Contractor/Owner: Signature 2-10-10 Date

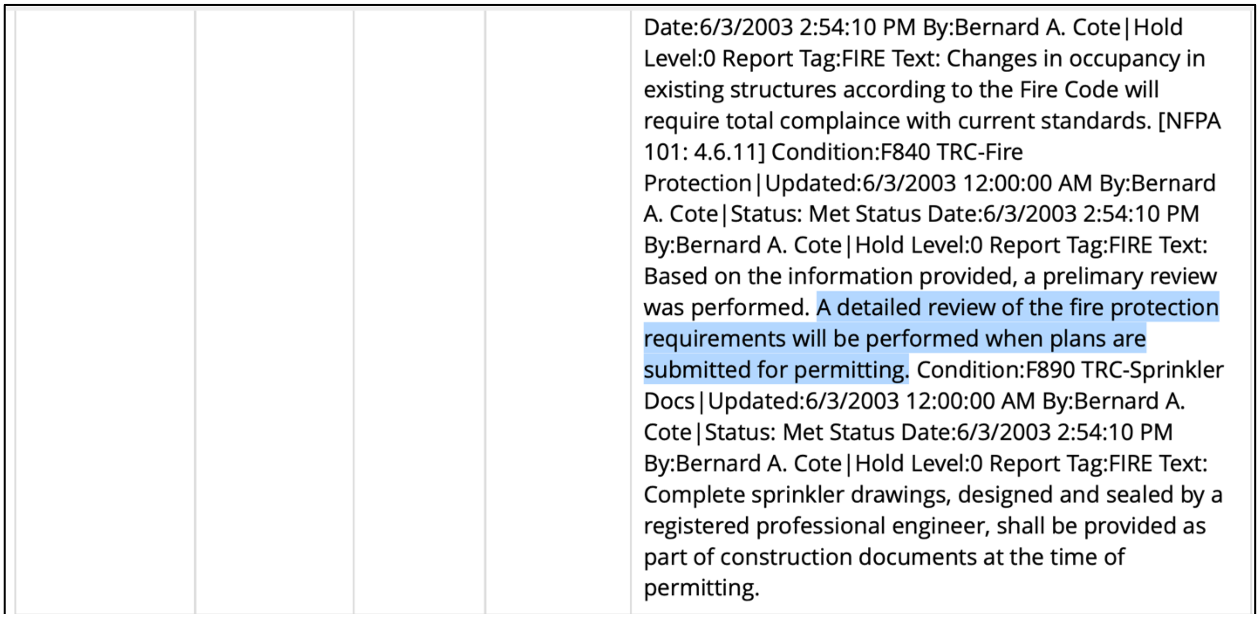
Rosario PoMA
Print Name

Rev 9/2004

Figure 26: This document was obtained via email from the Permitting Division on August 15, 2019 and outlines the scope of the work for the only building permit pulled around the time many unpermitted renovations were done to Pulse.

2.12 Fire Protection Review

According to the conditional use permit records (Mary 21, 2003), a detailed review of fire protection requirements is only performed when plans are submitted for permitting.



Date:6/3/2003 2:54:10 PM By:Bernard A. Cote|Hold Level:0 Report Tag:FIRE Text: Changes in occupancy in existing structures according to the Fire Code will require total complaince with current standards. [NFPA 101: 4.6.11] Condition:F840 TRC-Fire Protection|Updated:6/3/2003 12:00:00 AM By:Bernard A. Cote|Status: Met Status Date:6/3/2003 2:54:10 PM By:Bernard A. Cote|Hold Level:0 Report Tag:FIRE Text: Based on the information provided, a prelimary review was performed. A detailed review of the fire protection requirements will be performed when plans are submitted for permitting. Condition:F890 TRC-Sprinkler Docs|Updated:6/3/2003 12:00:00 AM By:Bernard A. Cote|Status: Met Status Date:6/3/2003 2:54:10 PM By:Bernard A. Cote|Hold Level:0 Report Tag:FIRE Text: Complete sprinkler drawings, designed and sealed by a registered professional engineer, shall be provided as part of construction documents at the time of permitting.

If the City of Orlando's process of conducting detailed reviews of fire protection requirements AFTER building plans are submitted for permitting, then such detailed reviews would not have been completed in 2010 for the building's renovations since they were done without permits. There are no public records that indicate inspections or a detailed fire protection review was done of the Pulse nightclub after unpermitted renovations were completed.

In fact, records show that the City of Orlando failed to inspect known unpermitted renovations on the interior of the building, despite having the unofficial building plans sent to them on May 20, 2010 via email with Pulse owners not following the proper permitting processes.

2.13 After Photos: Pulse After the Shooting

Photos taken of Pulse after the shooting show numerous fire code violations, ADA compliance issues, and the full scope of the unpermitted modifications done to the interior and exterior of the building.

As noted in an email sent on June 14, 2016 at 10:00 AM from Ruth McLemore-Price, Florida Certified Records Manager, “The Building Fire Inspection is separate and different from any of the Fire Marshall Inspections.” They are also different from building code inspections. Documents make clear that of the inspections done, multiple mistakes were made and violations were routinely ignored—as shown throughout this report.

According to the Florida Fire Prevention Code Fifth Edition, which went into effect on December 31, 2014, photos of the Pulse nightclub (along with other records) show that the business was likely in violation of the following:

- **10.1.3 Building Code.** Where a building code has been adopted, all new construction shall comply with this *Code* and the building code.
    - Building codes were not followed, as can be seen in with the unpermitted fence.

- **10.4.2** No existing life safety feature shall be removed or reduced where such feature is a requirement for new construction.
    - Exit doors were moved, modified, and/or otherwise altered during renovation.

- **14.3.1(9)b.ii.** [interstitial spaces must] contain no storage.
    - The employee-only door that led to a narrow fenced in corridor was used as a storage/trash area. See *Figure 35* and https://www.dailymail.co.uk/news/article-3643430/Orlando-survivor-admits-trapping-club-goers-inside-escaped-claims-thought-doing-right-thing.html.

- **14.3.2** An exit enclosure shall provide a continuous protected path of travel to an exit discharge.

- **14.3.3** An exit enclosure shall not be used for any purpose that has the potential to interfere with its use as an exit and, if so designated, as an area of refuge.

- **14.4.1 General.** Means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of a fire or other emergency.

- **14.4.2.4** Every door opening and every principal entrance that is required to serve as an exit shall be designed and constructed so that the path of egress travel is obvious and direct.

- **14.4.2.1** No furnishings, decorations, or other objects shall obstruct exits or their access thereto, egress therefrom, or visibility thereof.
    - Numerous doors were hidden with curtains over doorways. Most exit doors led to fenced in spaces and not to a direct route to safety. See *Figure 16* and *Figure 44*.

- **14.4.2.2** No obstruction by railings, barriers, or gates shall divide the means of egress into sections appurtenant to individual rooms, apartments, or other occupied spaces.

- **14.7.4.1** The width of an exit passageway shall be sized to accommodate the aggregate required capacity of all exits that discharge through it…

- **14.10.1.2** Corridors shall provide access without passing through any intervening rooms other than corridors, lobbies, and other spaces permitted to be open to the corridor.
    - The corridor that connected all the rooms in Pulse and sectioned off the reception area was unpermitted.

- **14.10.1.5** Exit access shall be arranged so that there are no dead ends in corridors.

- **14.10.2.2** Hangings or draperies shall not be places of exit doors or located so that they conceal or obscure any exit…

- **14.11.2 (2)** Each level of discharge shall discharge directly outside at the finished ground level… (3) The interior exit discharge shall lead to a free and unobstructed way to the exterior of the building, and such way shall be readily visible and identifiable from the point of discharge from the exit.

The *Florida Fire Prevention Code* also provides specific measurements and materials for exit corridors and occupancy load.

Furthermore, the *Code* states, **10.2.1 The owner, operator, or occupant shall be responsible for compliance with this Code**; **10.2.5** The owner, operator, or occupant or any person in control of a building or premises shall keep records of all maintenance, inspections, and testing of fire protection systems, fire alarm systems, smoke control systems, emergency evacuation and relocation drills, emergency plans, emergency power, elevators, and other equipment as required by the AHJ.

Many violations of these codes are visible in the photographs that follow.

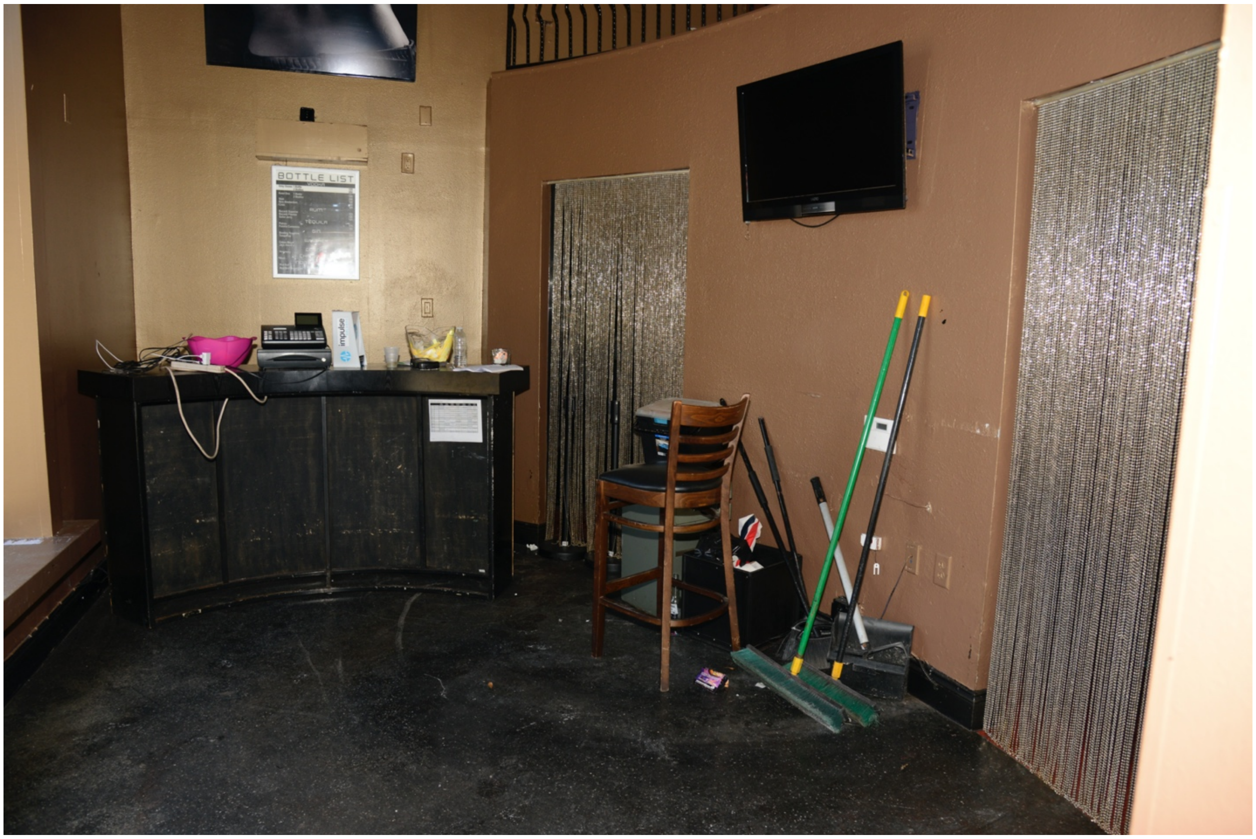


Figure 27: Unpermitted reception area with metal beaded curtains hanging in doorways (against Fire Code). The photographer is standing in front of the main entrance and the only visible window in the building, which was broken by law enforcement during the shooting, is to the left facing West Esther Street. The beaded doorways open up into an unpermitted hallway that connects the Adonis Room and the dance floor.

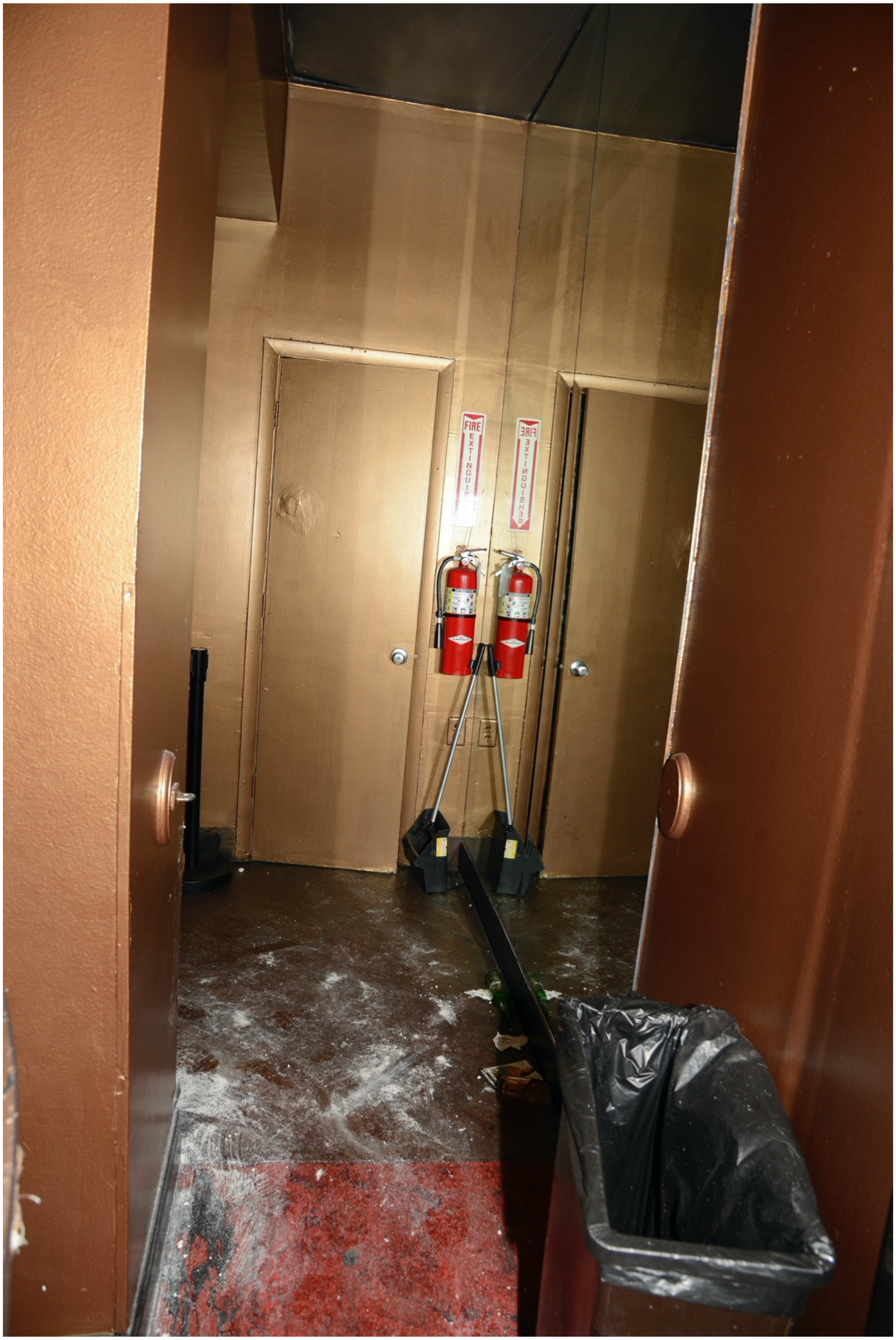

FIRE EXTINGUISHER

Figure 28: Photo of one of the unpermitted narrow hallways inside of Pulse.

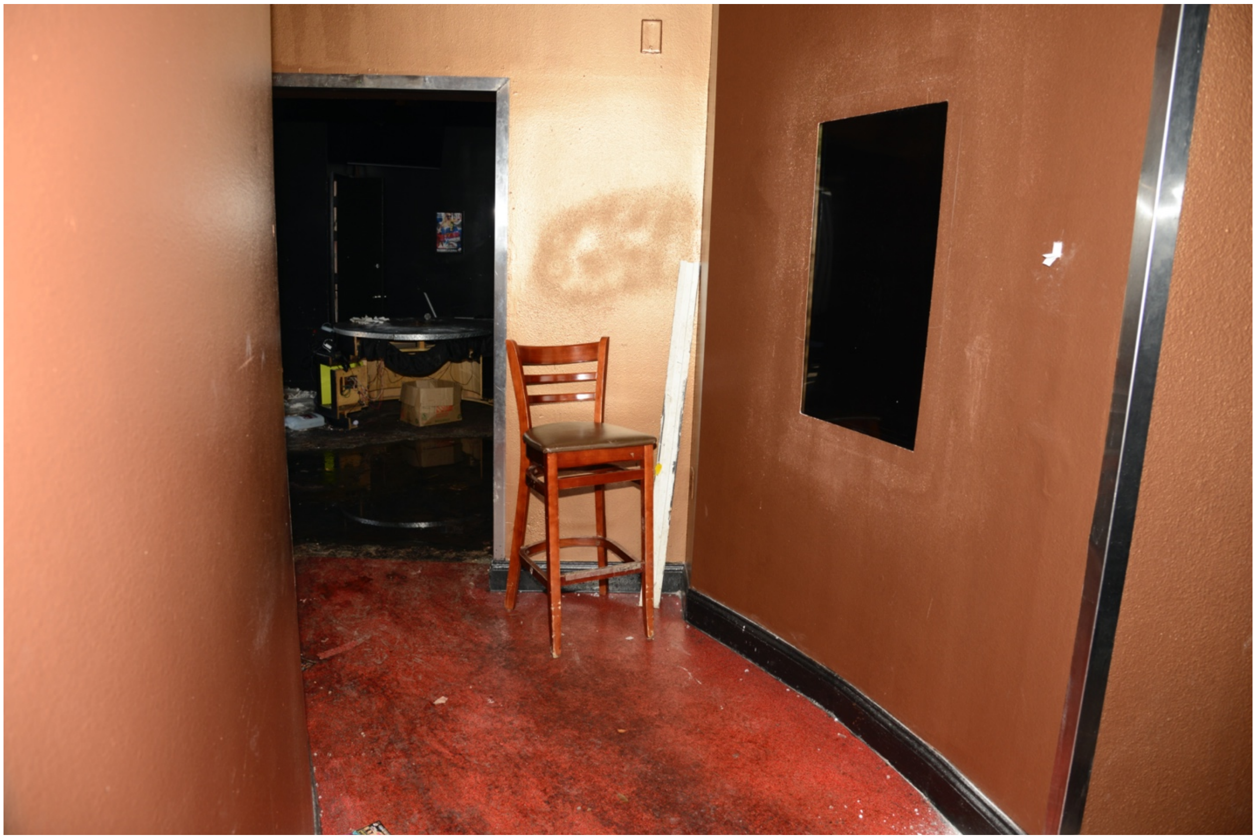


Figure 29: Another photograph of the unpermitted hallway inside of Pulse. This photo is facing the Adonis Room and shows a chair inside of the hallway.

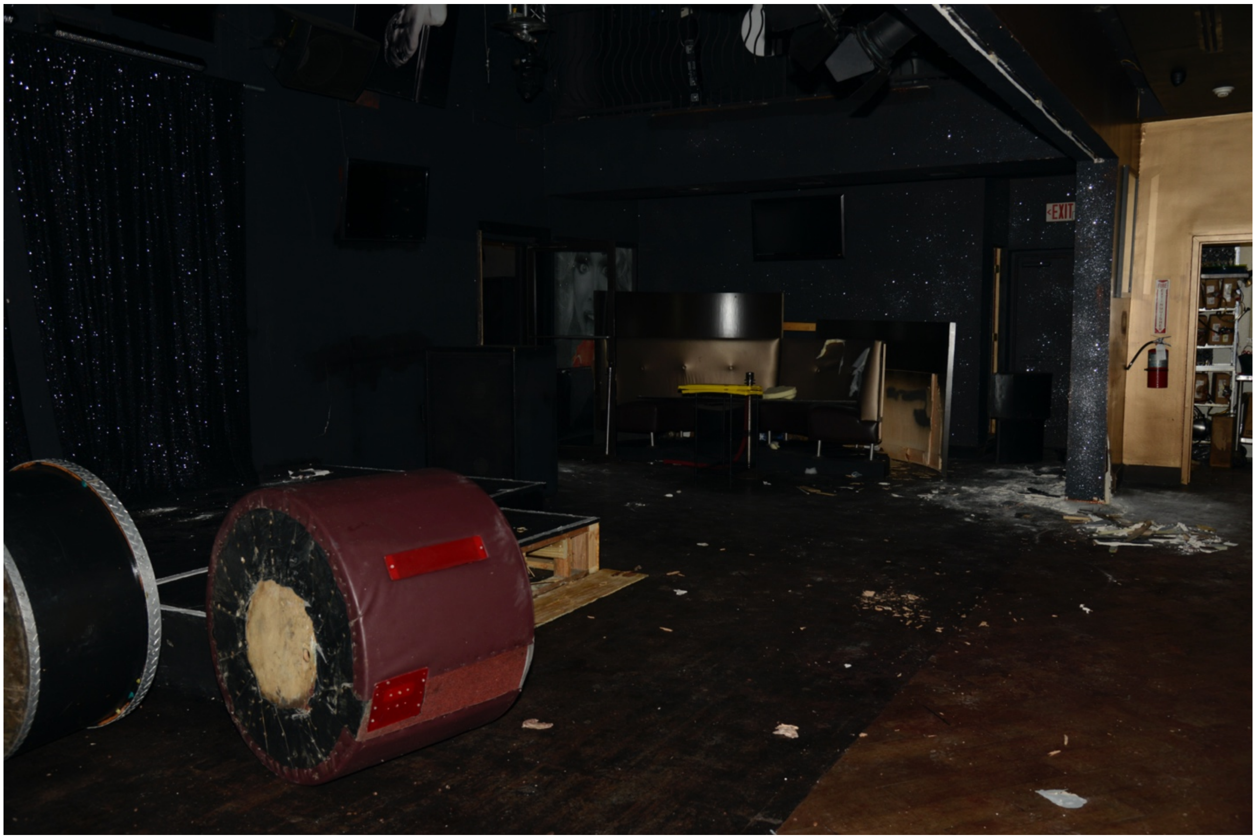


Figure 30: Photo shows the dance floor and stage, which were not supposed to exist in Pulse in accordance to its conditional use permit. This is the location where most victims were shot and murdered. If the City of Orlando enforced its codes, this dance floor would not have existed.

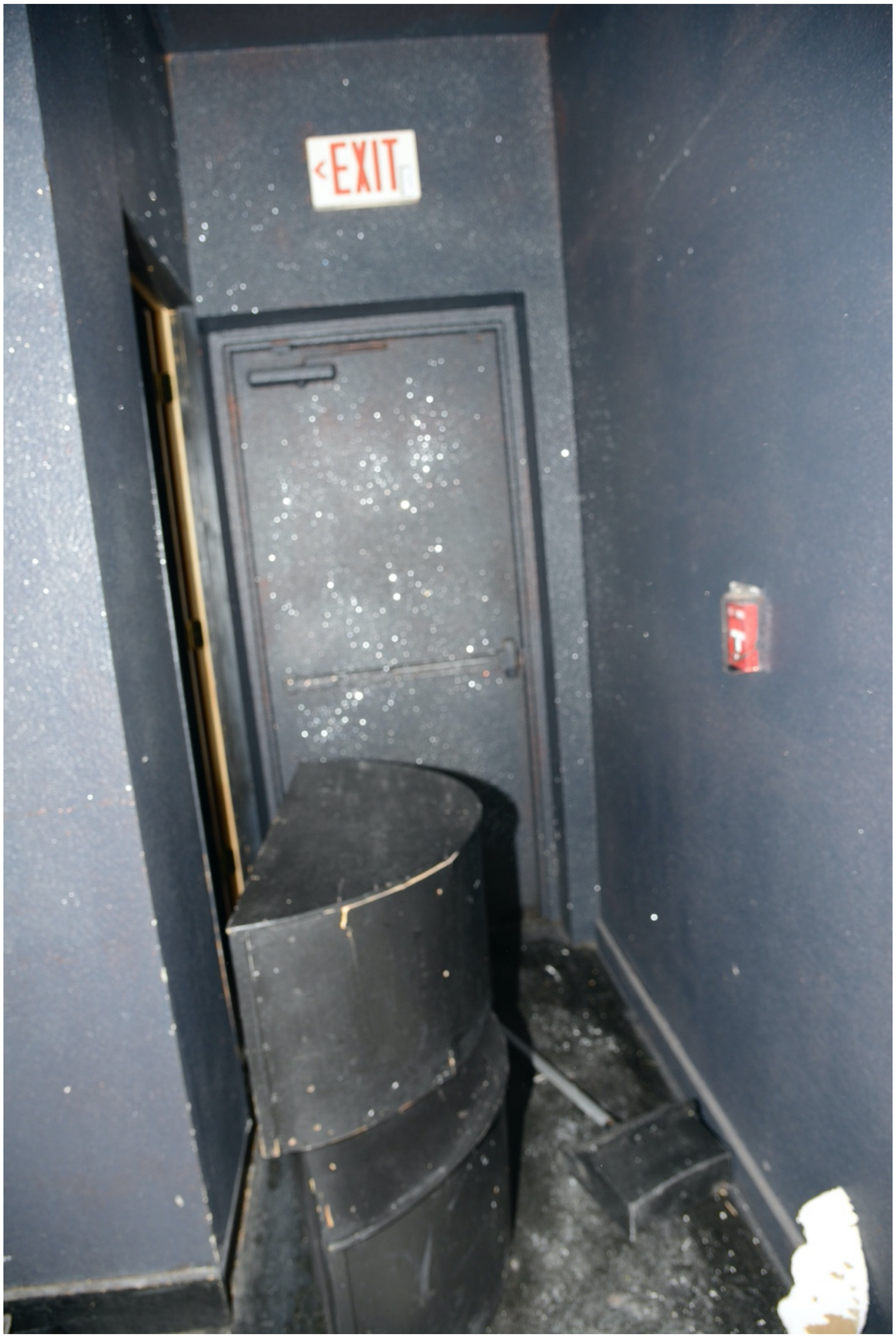


Figure 31: This narrow hallway to an exit door opened up into a fenced in area. This is one of the "exits" that did not take survivors directly to safety, but instead trapped them in a fenced-in area that was unpermitted.

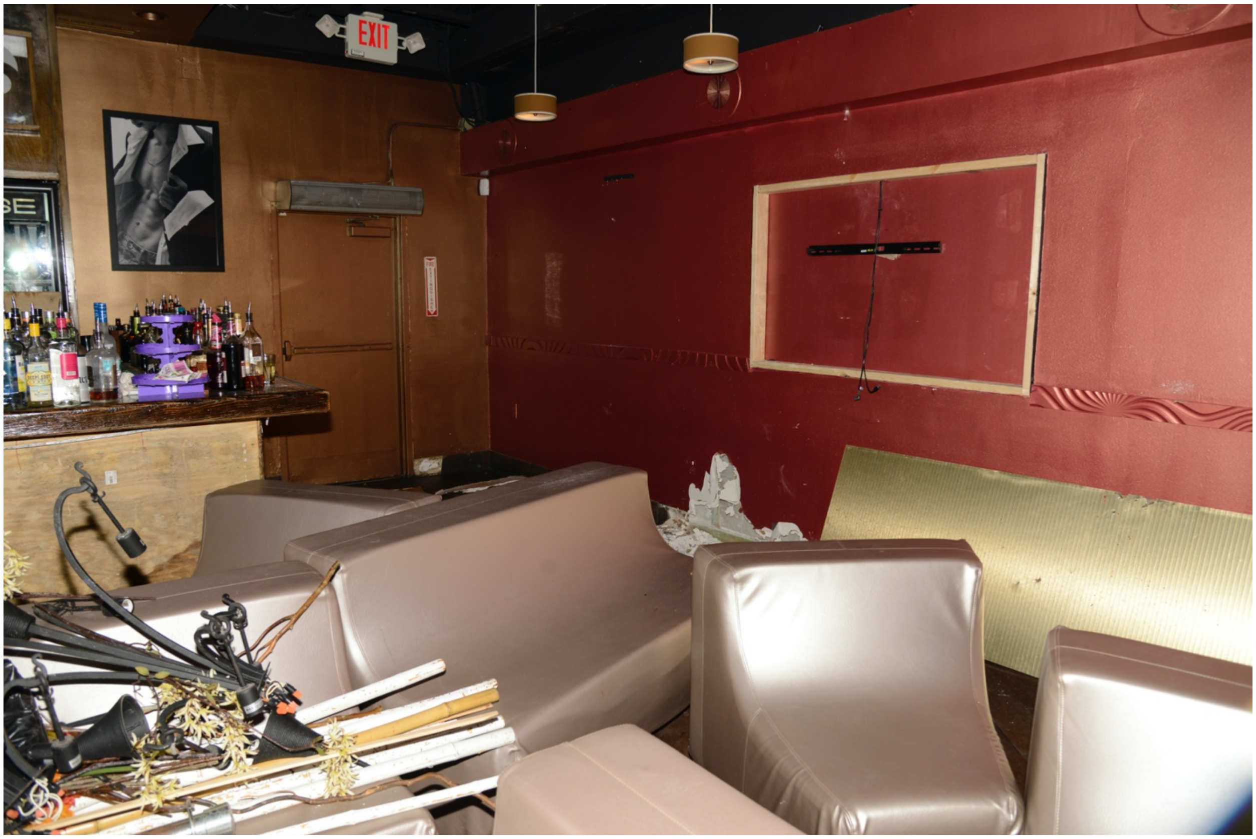


Figure 32: This is the interior wall facing the outdoor patio and South Orange Avenue. The framed section of the wall represents where there was supposed to be a window according to violation records from the City of Orlando. Not only did the side of the building facing South Orange Avenue not have 15% *of transparent materials, but on the opposite side of this wall an unpermitted bar and liquor shelf was built illegally. See* *1.5 Letter From Dean Grandin* *for additional information about the required windows.*

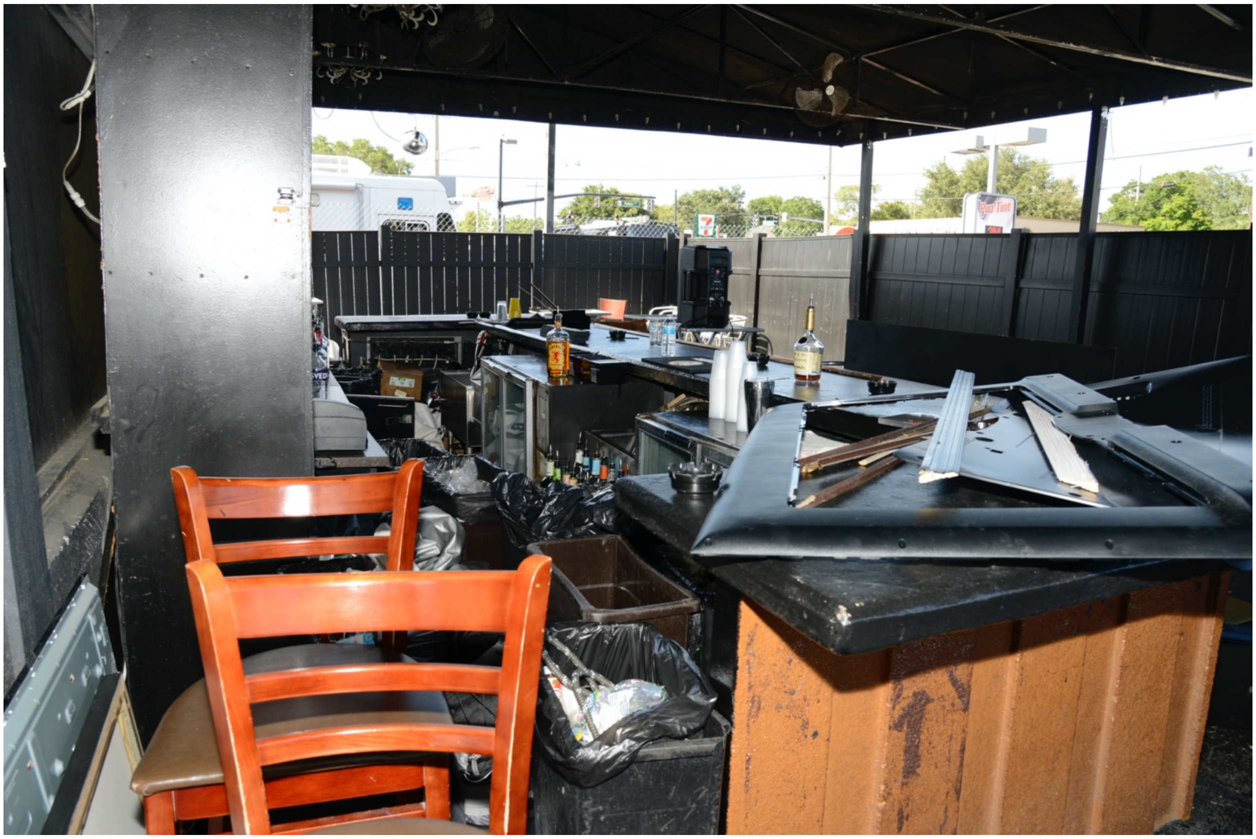


Figure 33: This is how the outdoor patio bar (on the opposite side of the wall as Figure 27) looked after the shooting. Even if the mandated window was installed, it would have been impossible to have used it to enter or exit the building as it was blocked by the unpermitted bar.

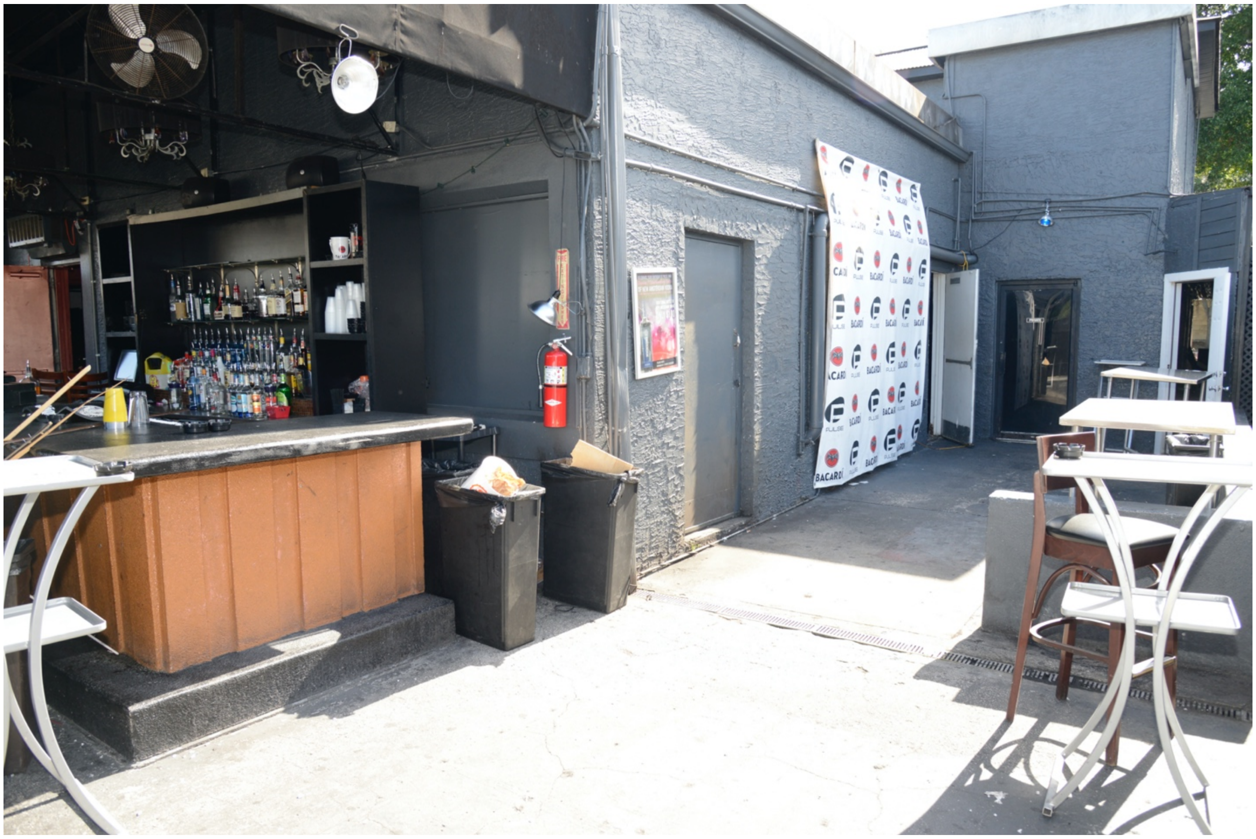


Figure 34: This photo shows the unpermitted bar and outdoor patio from another angle, once again showing the windows painted- and walled-over in violation of the 15% transparency requirement.

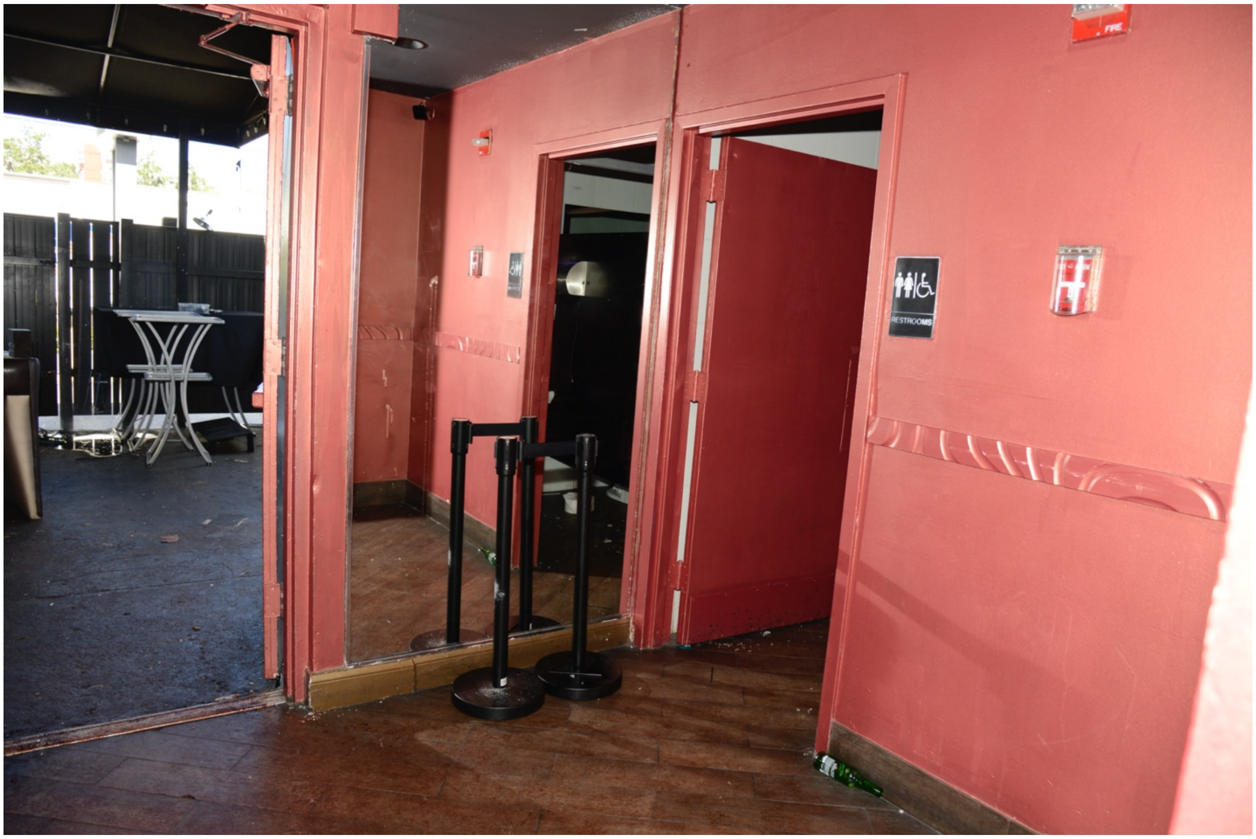


Figure 35: This photo shows the entrance to the bathroom near the patio that was renovated without a permit. A number of people who were unable to escape through the door to the patio (also shown) fled to this bathroom. Some were murdered inside of this bathroom, which was larger before it was renovated without permits.

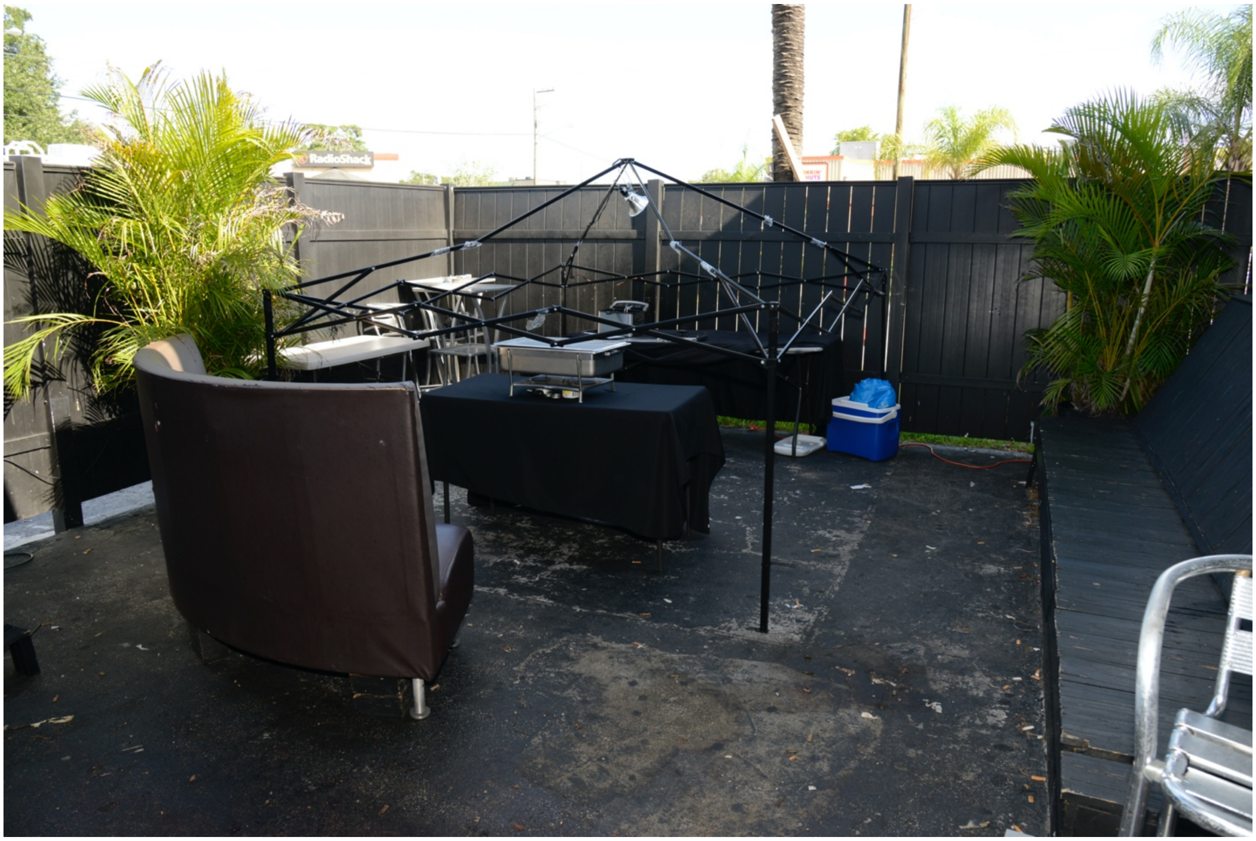


Figure 36: This photo shows the unpermitted fence that surrounded the unpermitted outdoor patio. In addition to one person being murdered on the patio, in order to escape it survivors had to jump over the fence to escape quickly. Eventually, survivors knocked a portion of it down in order to flee the premises.

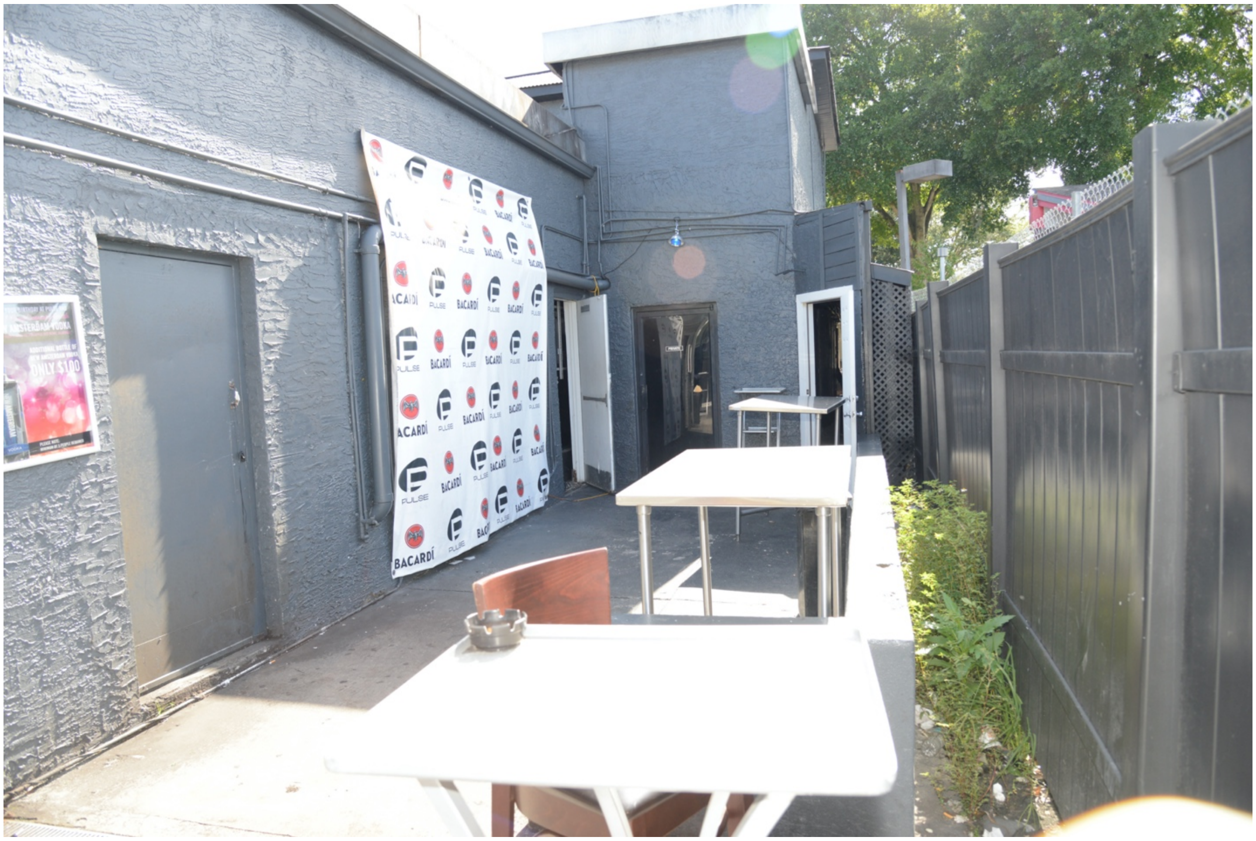
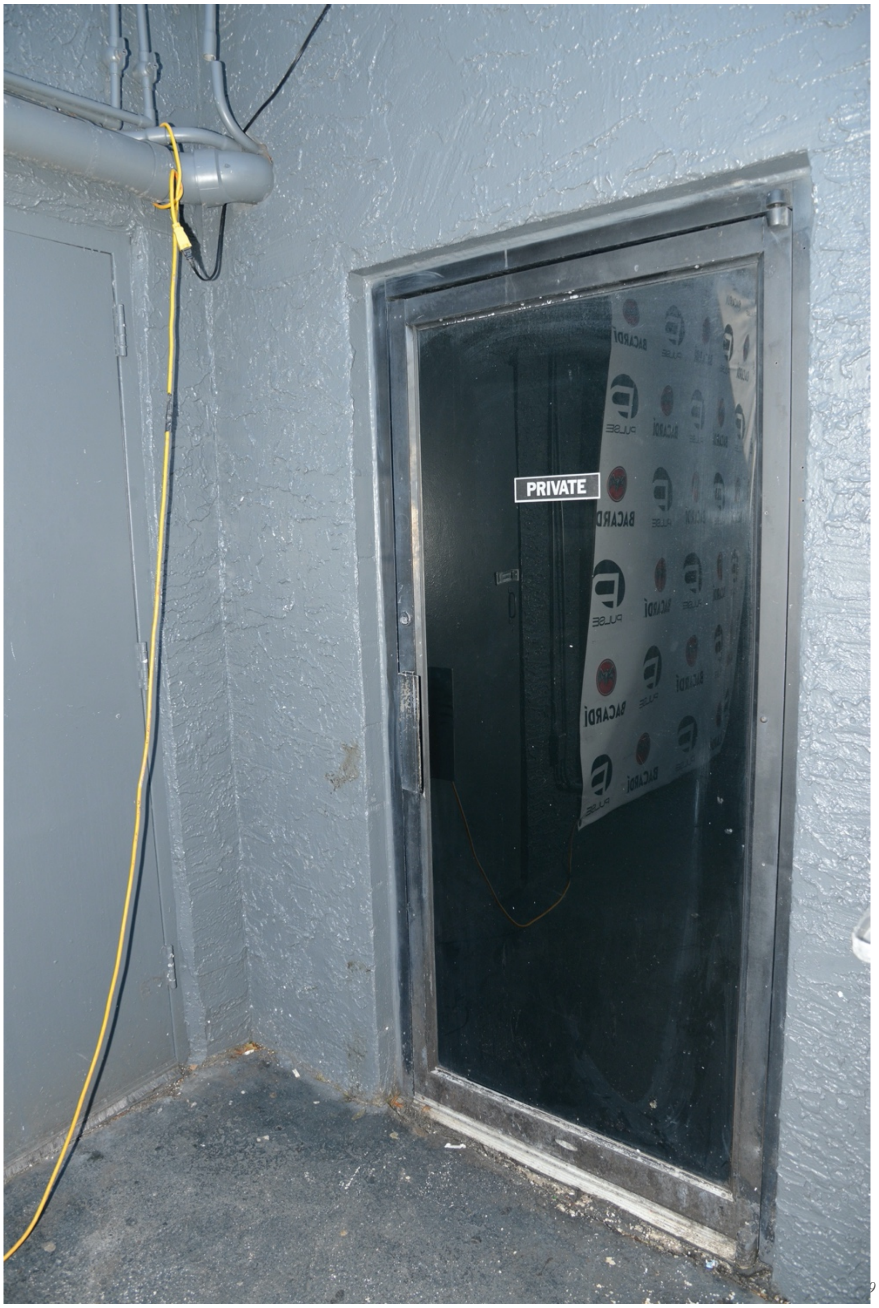


Figure 37: This photo shows both the unpermitted fence and the narrow passageway that two exit doors opened up into where people became trapped. This has been referred to in police reports as a storage/trash area. Even though it is "open air," it is completely enclosed by fencing and the overhang.



[9]

Figure 38: In addition to some doors being hidden and unmarked, other doors were marked private or for employees only. As noted in the Orlando Sentinel, not all exit doors led to safety. Some led to fenced-in areas where people were trapped.

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[9] https://www.dailymail.co.uk/news/article-3643430/Orlando-survivor-admits-trapping-club-goers-inside-escaped-claims-thought-doing-right-thing.html

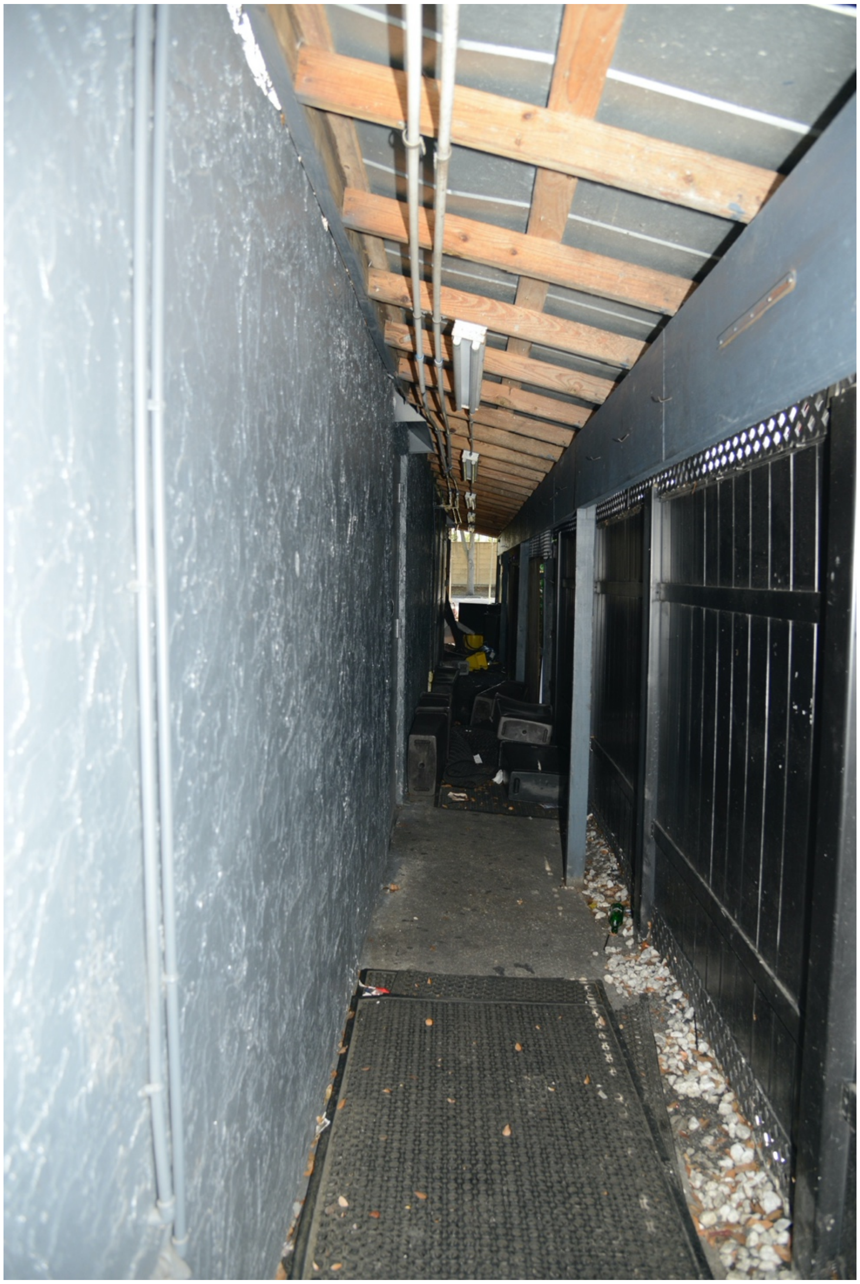


Figure 39: This is a photo of inside of the narrow passageway that two exit doors opened up into where people fleeing became trapped. This particular unpermitted space has been referred to in police reports as a storage/trash area and it is completely enclosed even though it is technically an outdoor space.

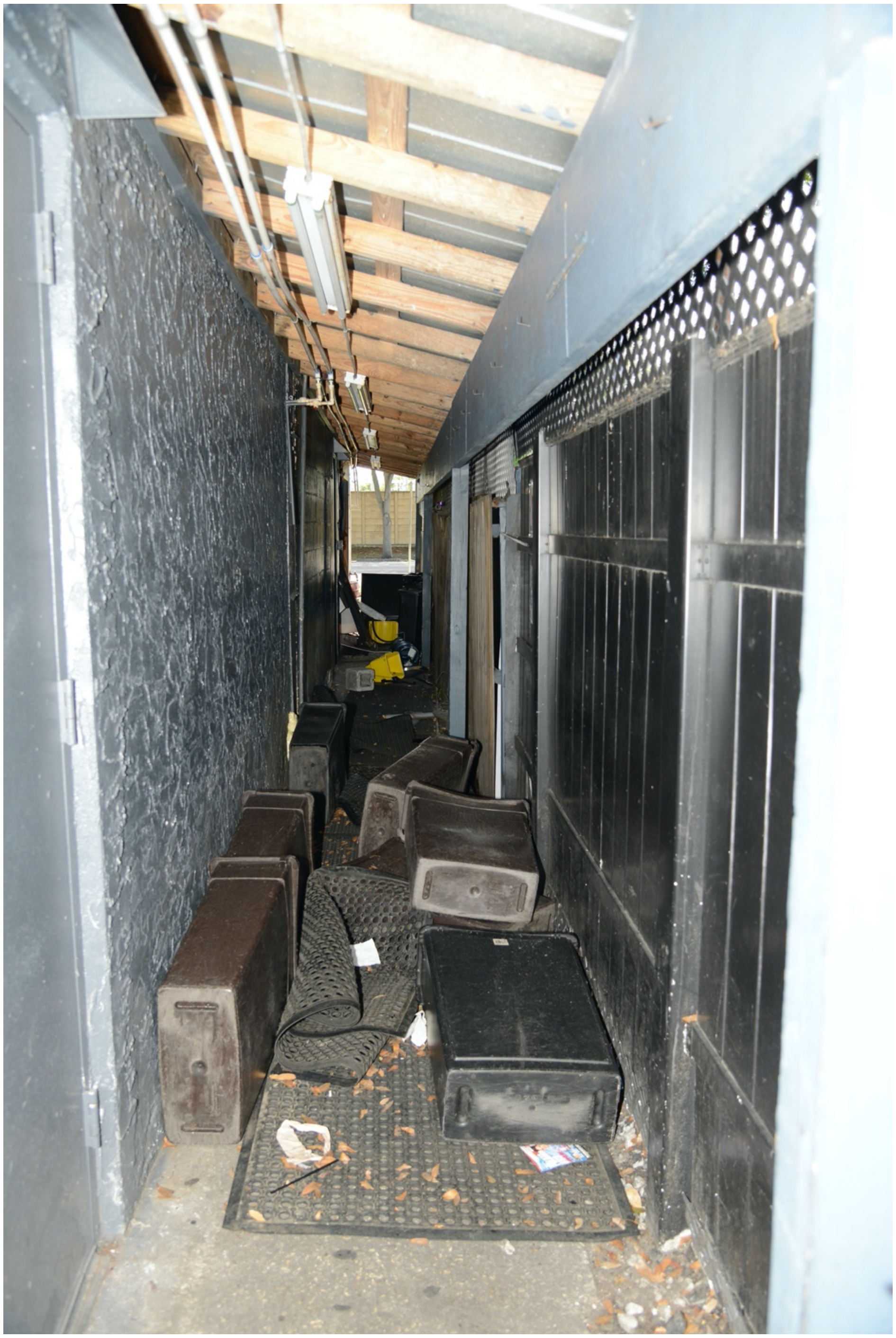


Figure 40: This is the narrow passageway that two exit doors opened up into where people became trapped (see Figure 26). This has been referred to in police reports as a storage/trash area and it is completely enclosed. As you can see, this space was not intended to be used as a passageway or an escape route, as it was blocked my trash and other items.

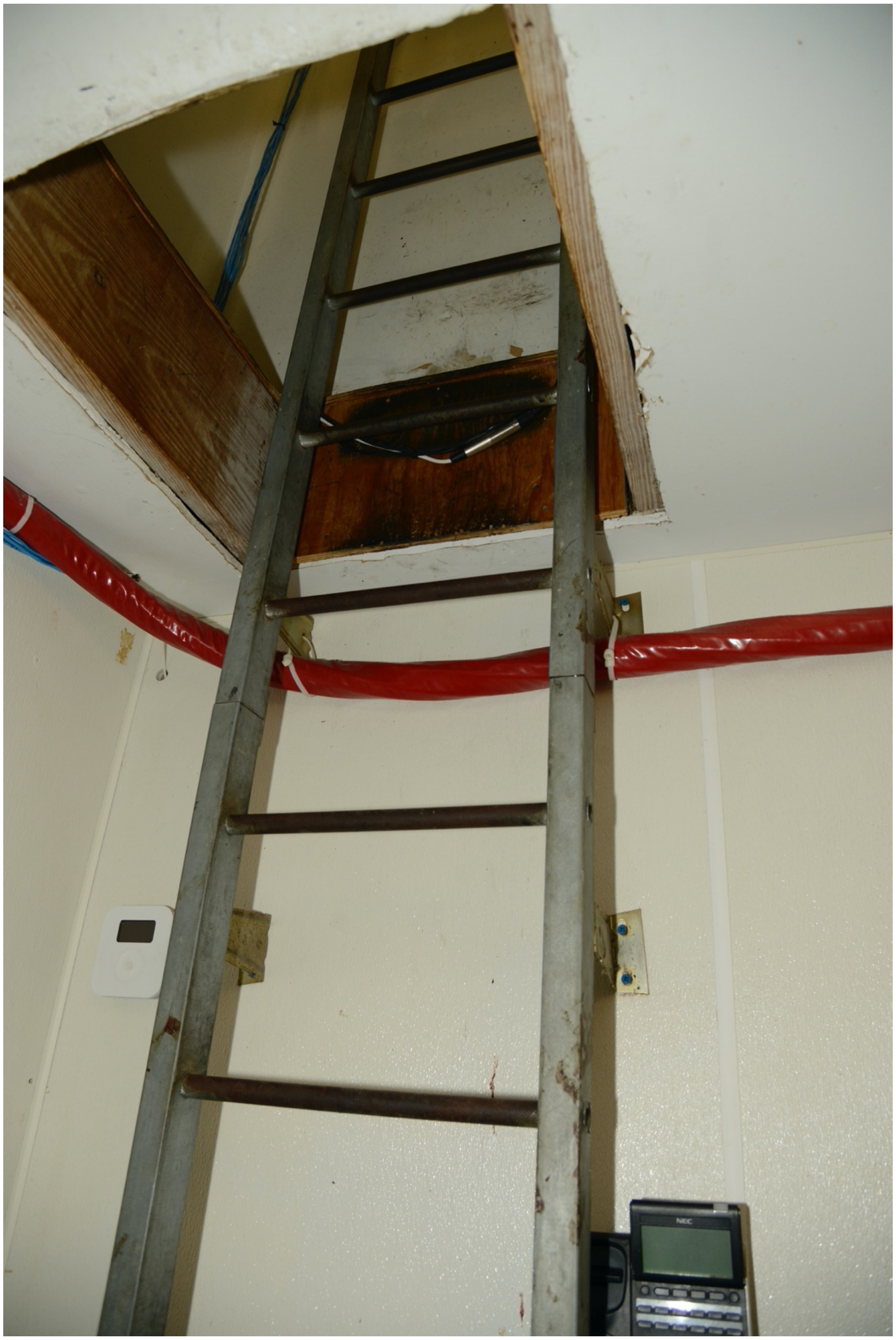


Figure 41: This is the ladder used to get to the second floor. Police reports refer to this space as an upstairs "office" and "patio," but it was typically used as a DJ space. This upstairs space does not appear on the building floor plans emailed to the City in 2010. In addition, it is not a stairway that would be to code and Pulse owners were never cited.

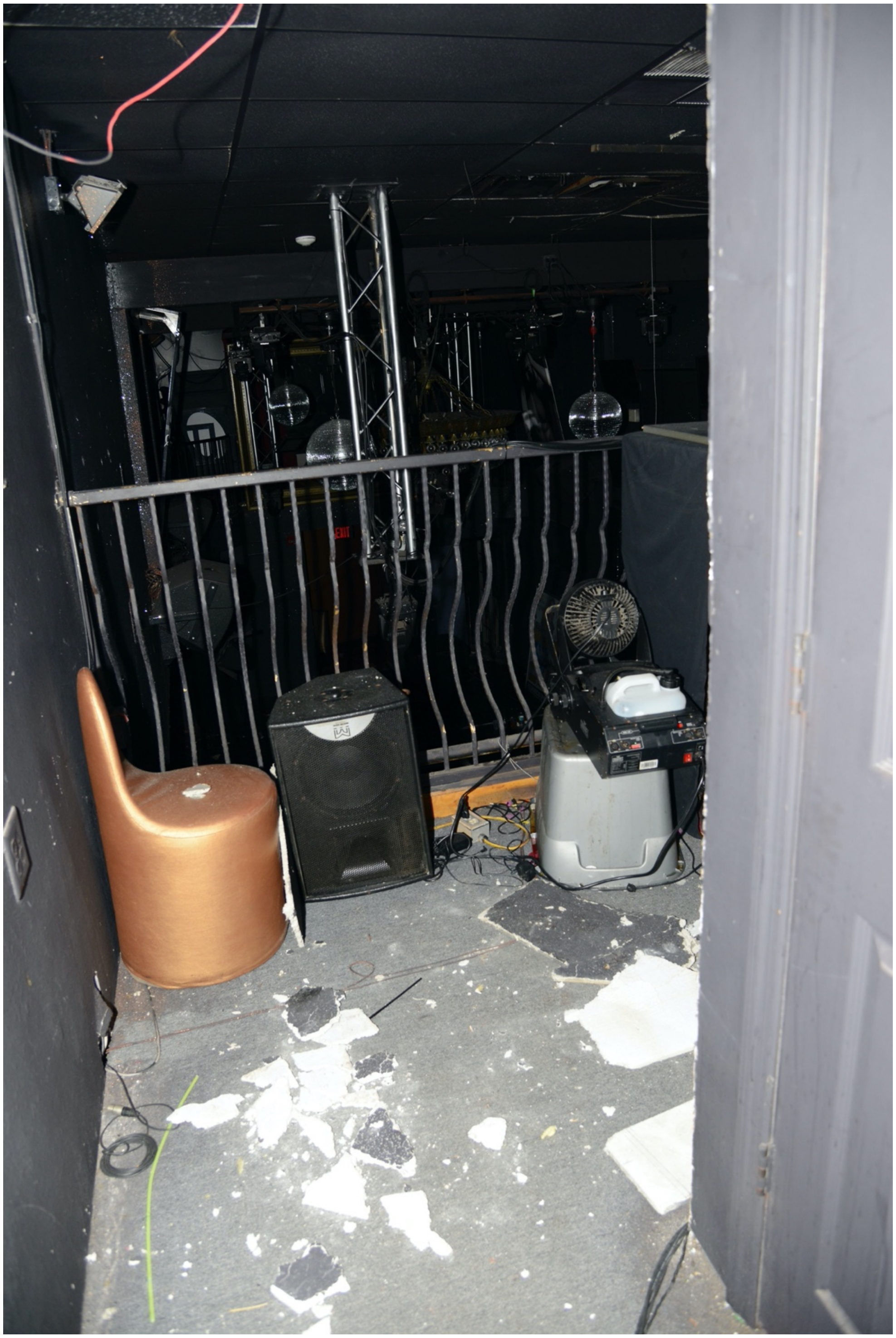


Figure 42: This is a photo of the upstairs space, taken after the shooting. Once again, a second floor does not appear on the building plans.

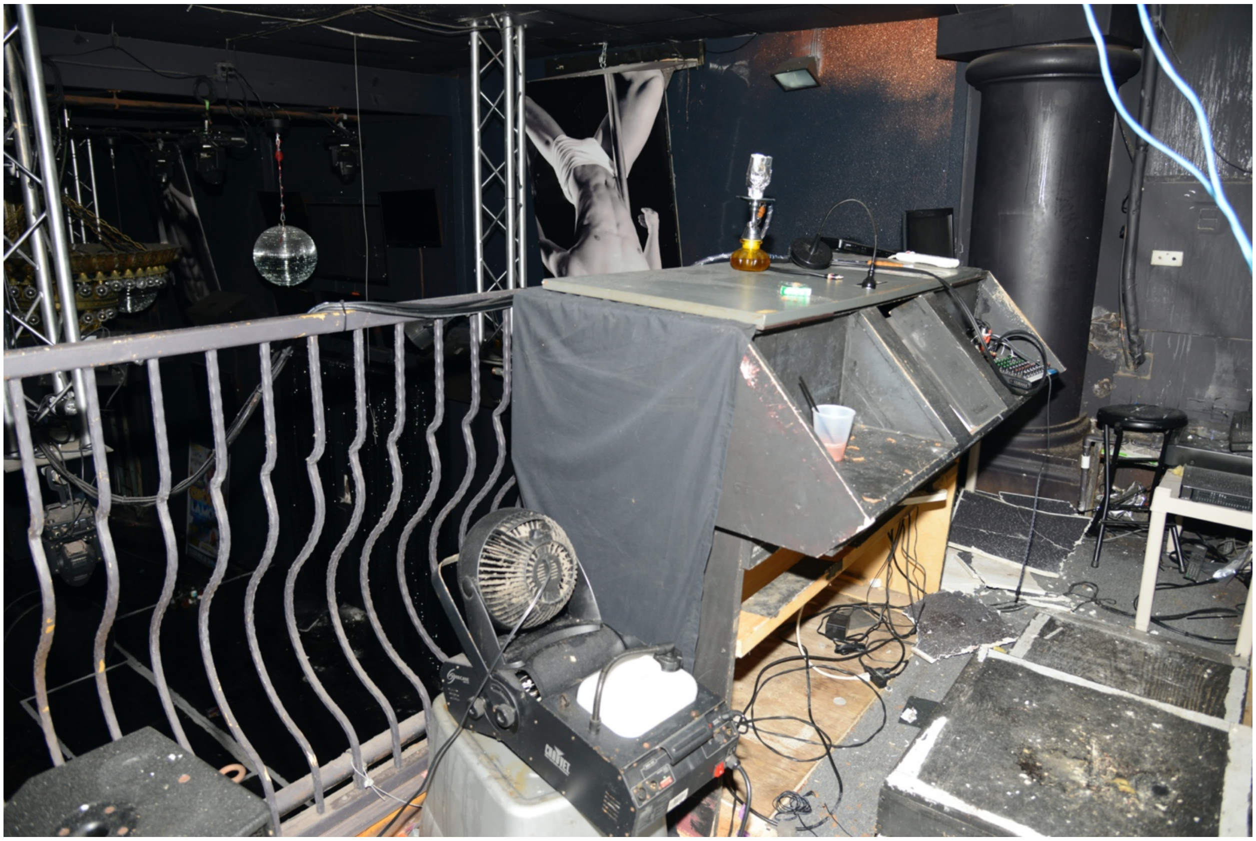


Figure 43: This is another photo of the upstairs space, taken after the shooting. Once again, a second floor does not appear on the building plans.

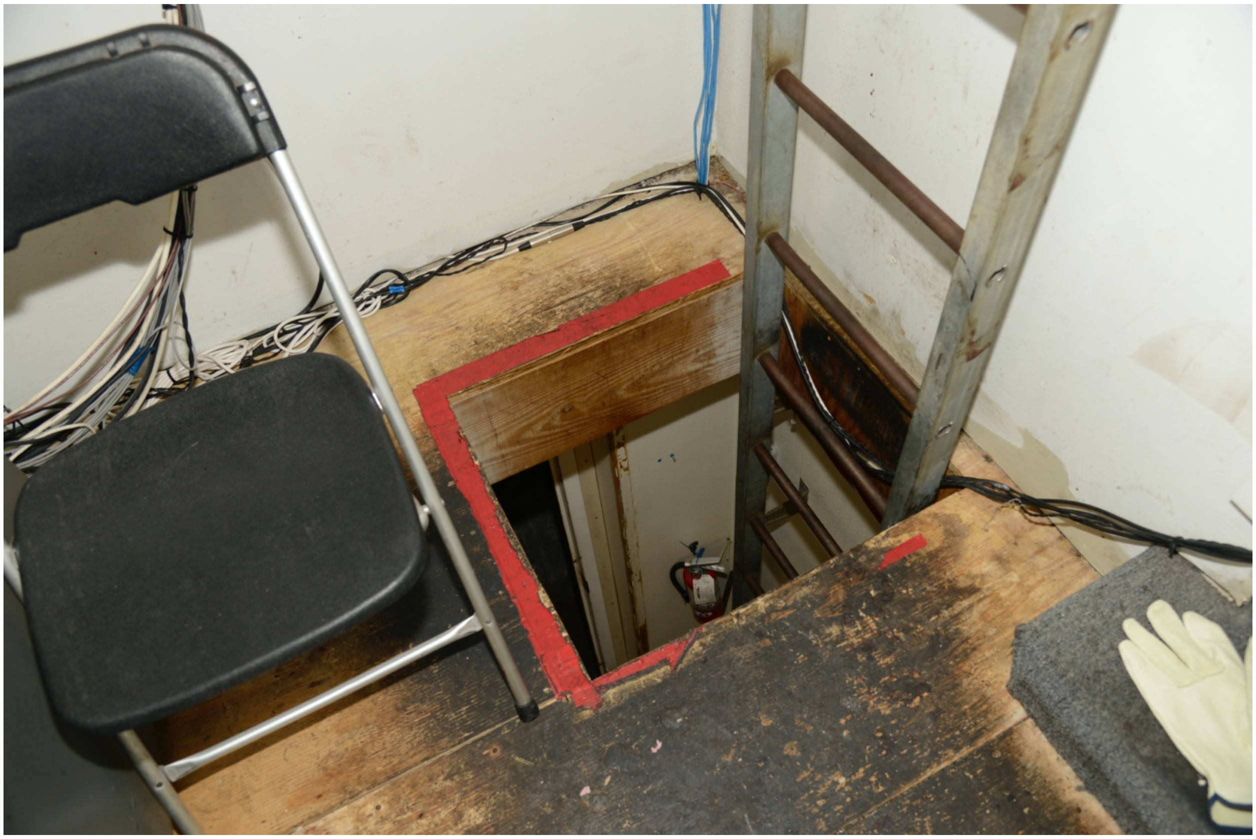


Figure 44: This is a photo of the ladder from the second floor going down. This is how people accessed the second level of Pulse, which does not appear on floor plans and is a stairway that was not built to code.

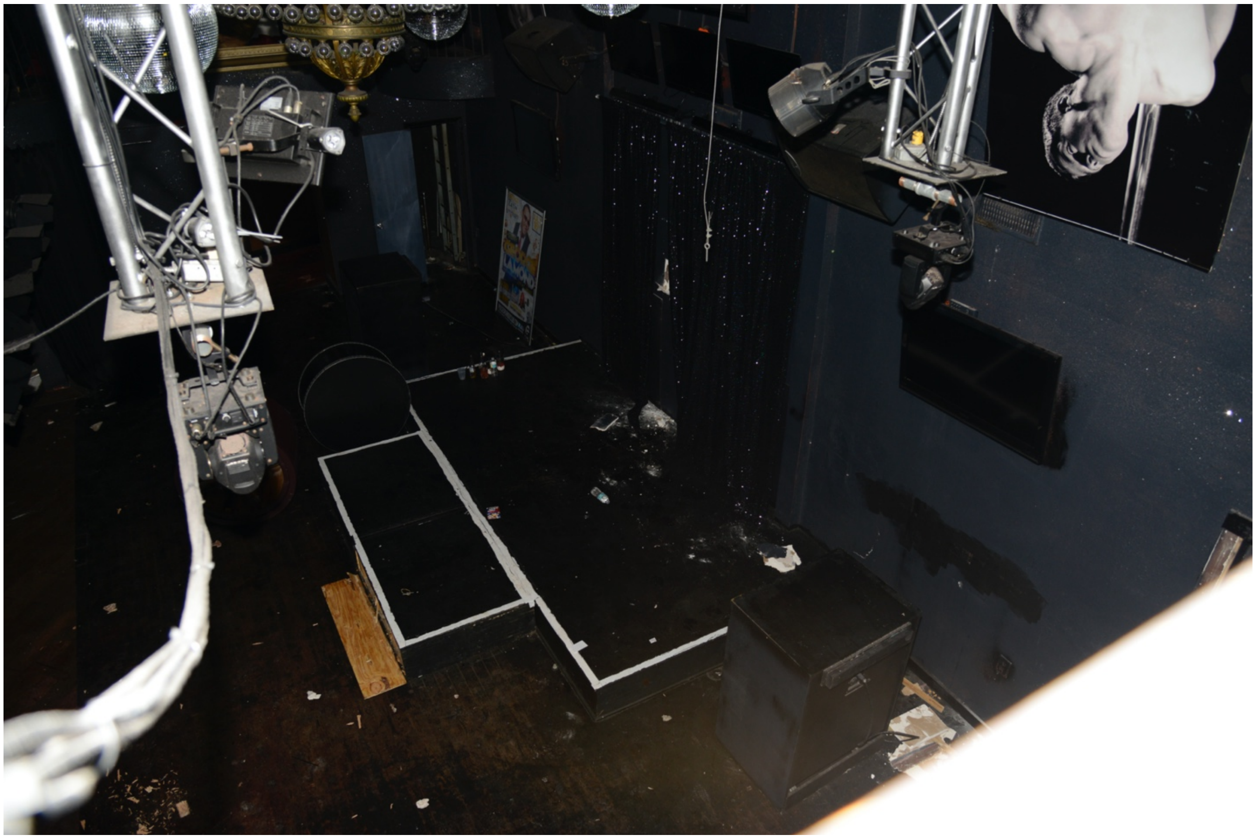


Figure 45: This is a photo of the stage and dance floor from the second-story DJ space. Both the dance floor and the stage were not allowed per Pulse's conditional use permit. The room shown is also where most people were shot and murdered.

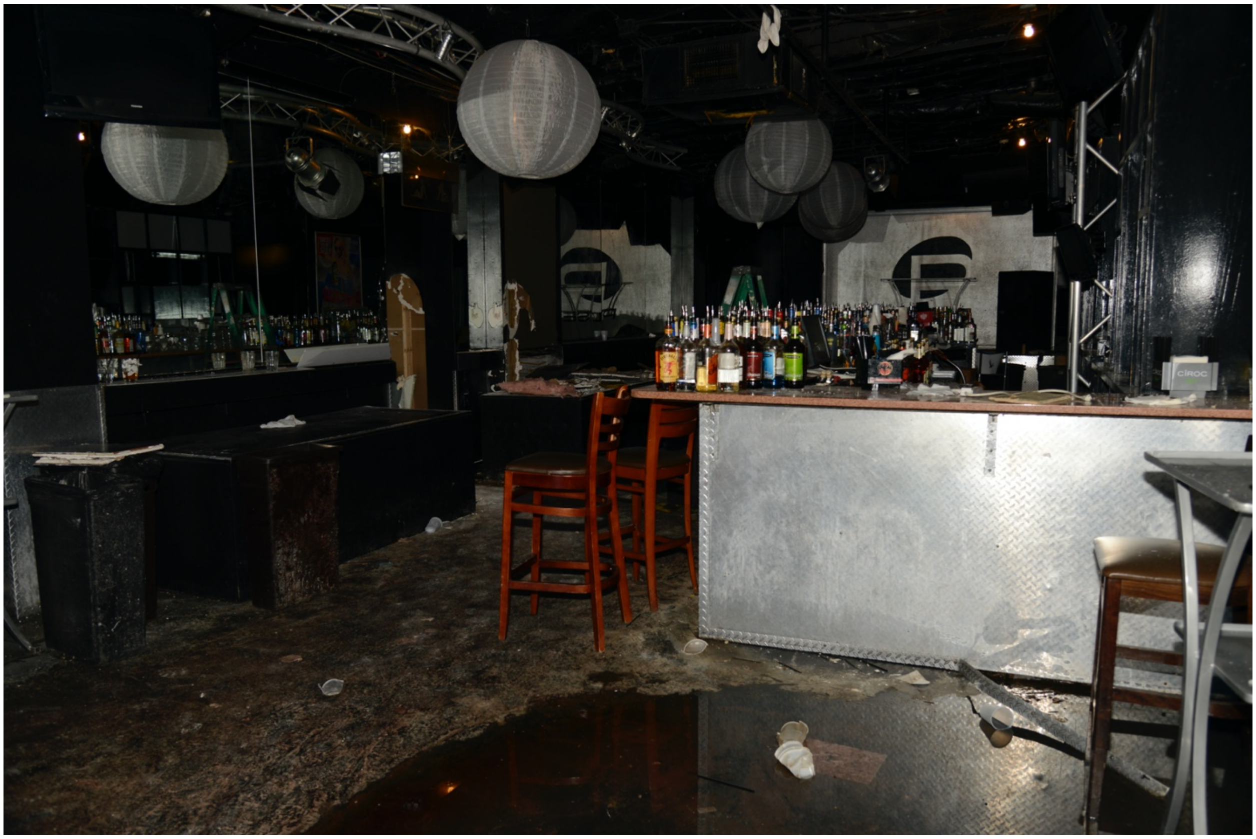


Figure 46: This photo of the Adonis Room shows the stages/boxes that were used by go-go dancers. These are not reflected on floor plans and it is not clear if these were taken into consideration when the occupancy load was calculated.

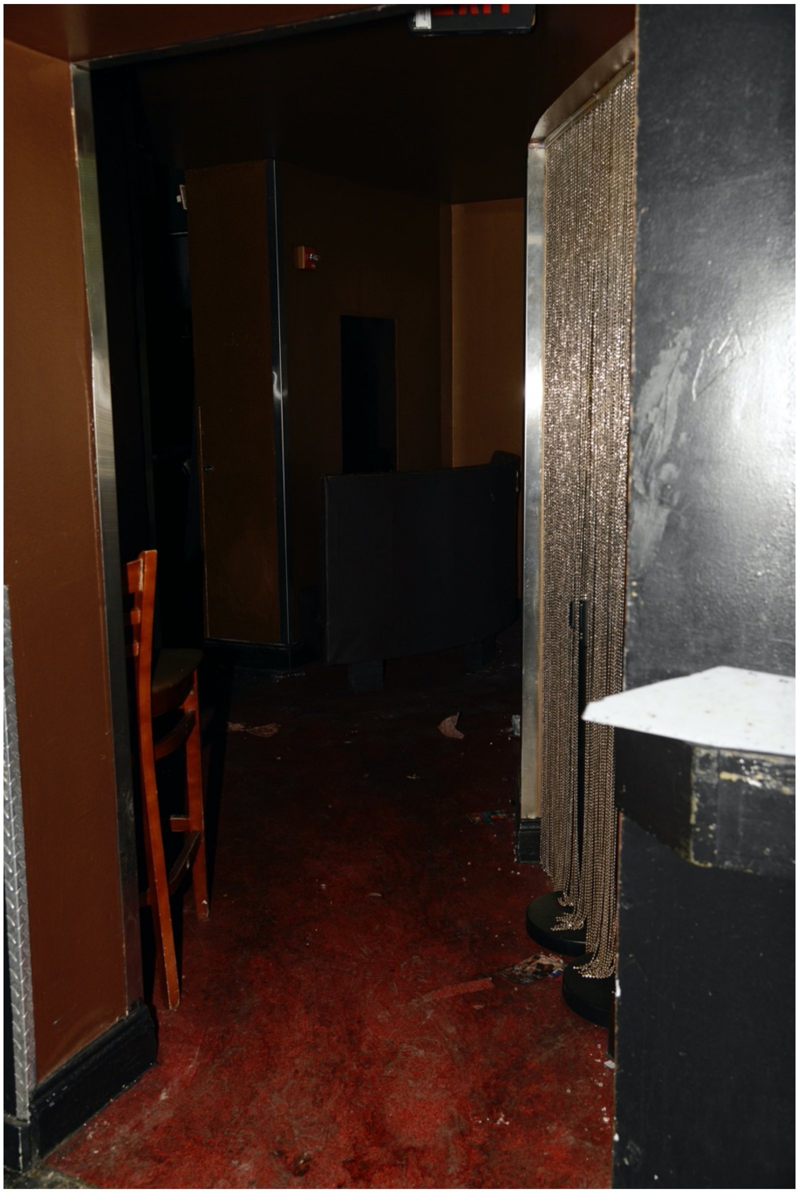


Figure 47: Looking out from the Adonis Room and towards the main dance floor, this is a photo of the unpermitted hallway that also connected to the reception area (to the right). This photo again shows the beaded curtains that blocked visibility of the main entrance/exit, which is against Fire Code. These went unchecked during fire inspections.

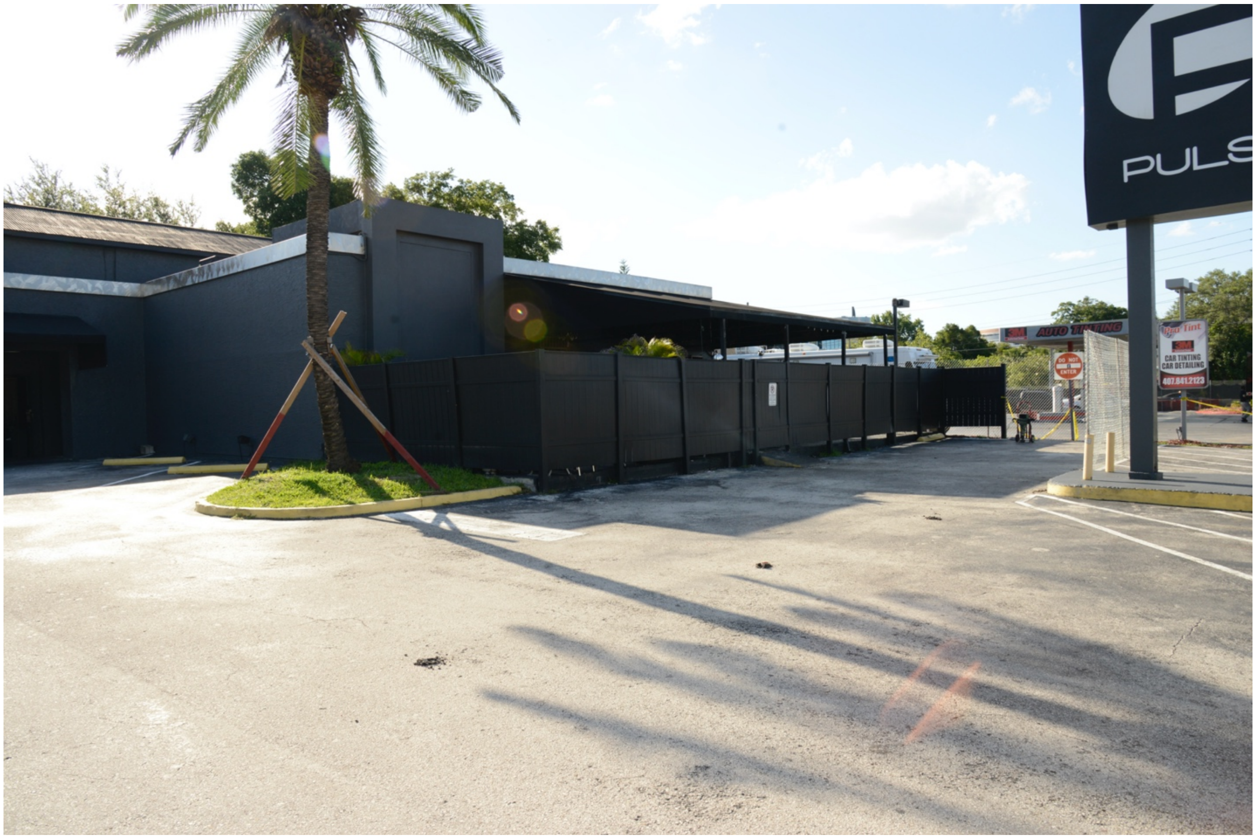

PULS
AUTO TINTING
DO NOT ENTER
CAR TINTING
CAR DETAILING
407.841.2123

Figure 48: Another view of Pulse's unpermitted fence that served as served as an obstacle to patrons trying to escape with their lives. The shooter also used this fence as cover as he walked into the bar from the neighboring parking lot.

2.14 Unpermitted Renovations: Obstacles for Escape

Records show that the illegal, unpermitted renovations done to the interior and exterior of Pulse nightclub hindered the escape of survivors.

These included:

1. the unpermitted fence, which survivors had to jump over and eventually knock down in order to escape to safety; and

2. narrow hallways leading to exits that limited escape (see *2.16 DOJ Report Cites "Narrow Hallways" Interfered with Rescue*).

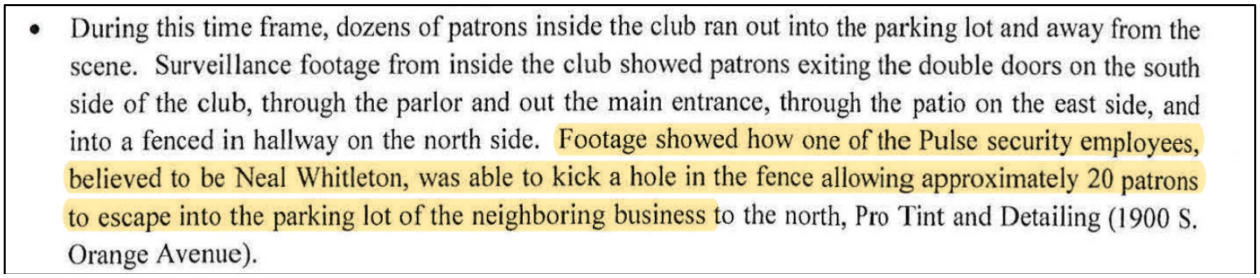
Furthermore, the bathrooms were also renovated and modified without permits. This includes the bathroom nearest the patio, where victims and survivors (unable to exit the building) went to avoid being killed from the initial gunfire. This bathroom was actually reduced in size. Bathroom renovations were also done to the bathrooms on the west side of the building where victims were held hostage until law enforcement breached the building at 5:07 am.

We searched through hours of video footage of interviews with survivors done in the immediate aftermath of the shooting. Using this footage, we put together the following short documentary that chronicles how Pulse's unpermitted renovations impeded escape (both the fence and the "narrow hallways:). You can view this video on YouTube using the following link:

- https://www.youtube.com/watch?v=VYq6UvYSaaY.

In addition to survivor accounts, excerpts from the Pulse Homicide Report provided by the City of Orlando on the Pulse Tragedy Public Records page also shows that the fence obstructed escape to safety. The fence had to be knocked down by survivors in order for them to flee the premises and escape gunfire.[10]

The excerpt from the homicide report below states, "Footage showed how one of the Pulse security employees, believed to be Neal Whitleton, was able to kick a hole in the fence allowing approximately 20 patrons to escape into the parking lot of the neighboring business to the north…"



- During this time frame, dozens of patrons inside the club ran out into the parking lot and away from the scene. Surveillance footage from inside the club showed patrons exiting the double doors on the south side of the club, through the parlor and out the main entrance, through the patio on the east side, and into a fenced in hallway on the north side. Footage showed how one of the Pulse security employees, believed to be Neal Whitleton, was able to kick a hole in the fence allowing approximately 20 patrons to escape into the parking lot of the neighboring business to the north, Pro Tint and Detailing (1900 S. Orange Avenue).

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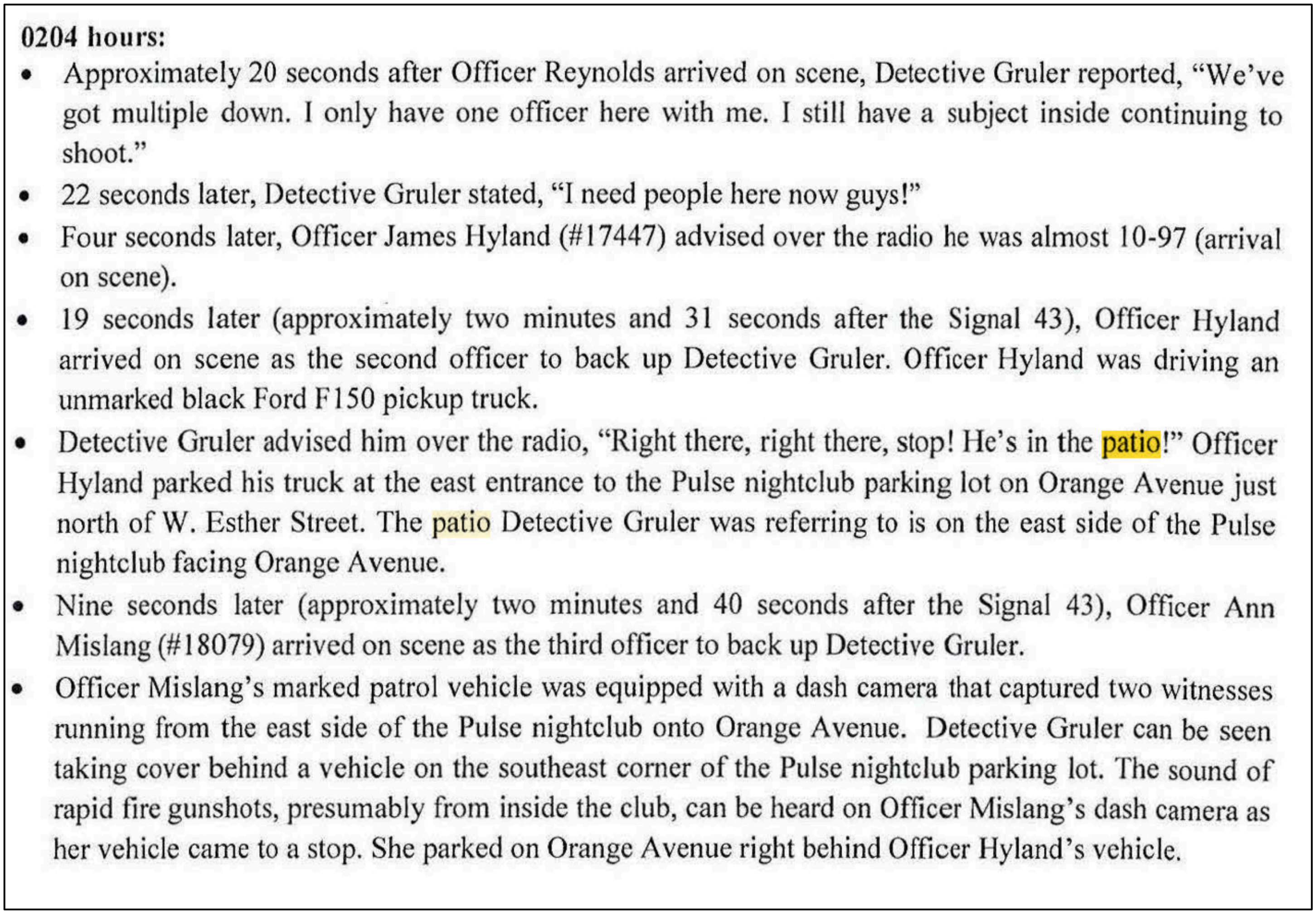
[10] https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records

Survivors also discussed the inability to open fence gates or locate latches as they were trying to flee the nightclub, including Joshua McGill who said, "It was complete chaos. I know there's a door on the gate but it's latched shut and hidden so people can't sneak in and out."[11]

The fence and its hardware were also painted black, making its gates and latches difficult to see at night, in the dark.

At one point during the shooting, the shooter went out to the patio to murder people who were trapped within the patio area and unable to escape, as described by the same homicide report, seen below:



0204 hours:

- Approximately 20 seconds after Officer Reynolds arrived on scene, Detective Gruler reported, “We’ve got multiple down. I only have one officer here with me. I still have a subject inside continuing to shoot.”
- 22 seconds later, Detective Gruler stated, “I need people here now guys!”
- Four seconds later, Officer James Hyland (#17447) advised over the radio he was almost 10-97 (arrival on scene).
- 19 seconds later (approximately two minutes and 31 seconds after the Signal 43), Officer Hyland arrived on scene as the second officer to back up Detective Gruler. Officer Hyland was driving an unmarked black Ford F150 pickup truck.
- Detective Gruler advised him over the radio, “Right there, right there, stop! He’s in the patio!” Officer Hyland parked his truck at the east entrance to the Pulse nightclub parking lot on Orange Avenue just north of W. Esther Street. The patio Detective Gruler was referring to is on the east side of the Pulse nightclub facing Orange Avenue.
- Nine seconds later (approximately two minutes and 40 seconds after the Signal 43), Officer Ann Mislang (#18079) arrived on scene as the third officer to back up Detective Gruler.
- Officer Mislang’s marked patrol vehicle was equipped with a dash camera that captured two witnesses running from the east side of the Pulse nightclub onto Orange Avenue. Detective Gruler can be seen taking cover behind a vehicle on the southeast corner of the Pulse nightclub parking lot. The sound of rapid fire gunshots, presumably from inside the club, can be heard on Officer Mislang’s dash camera as her vehicle came to a stop. She parked on Orange Avenue right behind Officer Hyland’s vehicle.

In a different report not released to the public but cited by the *Orlando Sentinel*, one person was found dead in the patio.[12] We have requested this report through an individual public record request, but did not receive it by the time this report was written. However, we were able to locate other reports that show that a person was murdered inside of the (unpermitted) fenced-in patio bar area.

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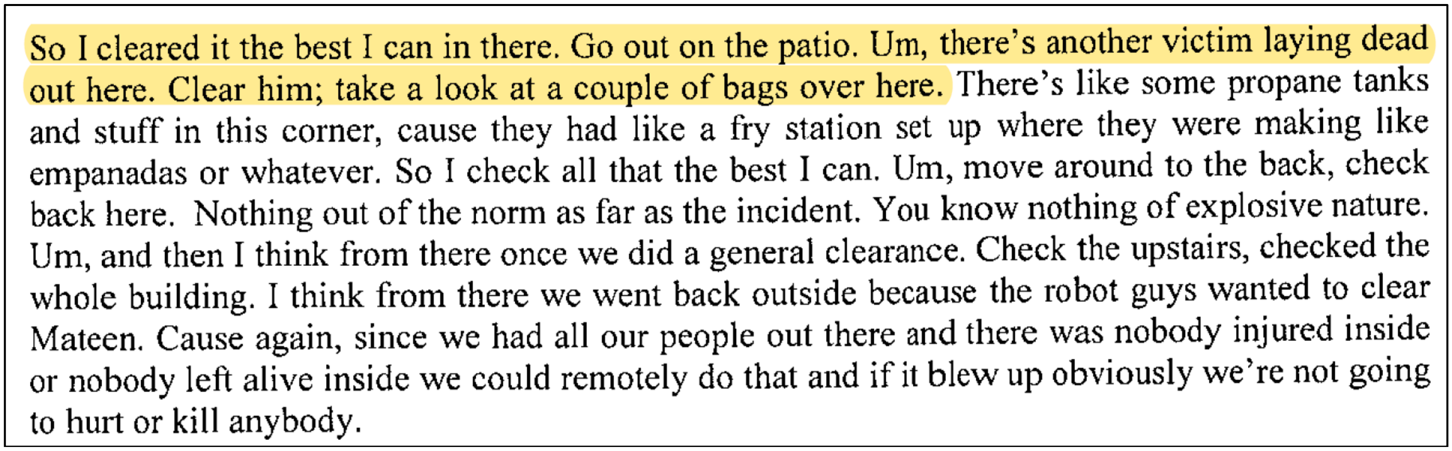
[11] https://www.orlandosentinel.com/news/pulse-orlando-nightclub-shooting/os-pulse-exits-fence-permit-20160723-story.html

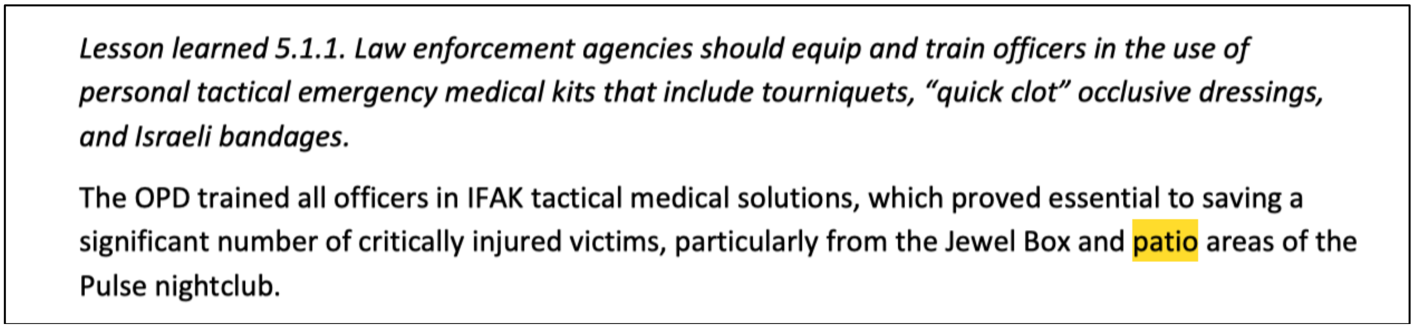
[12] https://www.orlandosentinel.com/news/pulse-orlando-nightclub-shooting/os-pulse-presentation-orlando-police-20170412-story.html

In transcripts from an OPD internal investigation (shown below), Deputy Gerald Cavis describes clearing the building when he went out to patio and found the dead victim.



So I cleared it the best I can in there. Go out on the patio. Um, there's another victim laying dead out here. Clear him; take a look at a couple of bags over here. There's like some propane tanks and stuff in this corner, cause they had like a fry station set up where they were making like empanadas or whatever. So I check all that the best I can. Um, move around to the back, check back here. Nothing out of the norm as far as the incident. You know nothing of explosive nature. Um, and then I think from there once we did a general clearance. Check the upstairs, checked the whole building. I think from there we went back outside because the robot guys wanted to clear Mateen. Cause again, since we had all our people out there and there was nobody injured inside or nobody left alive inside we could remotely do that and if it blew up obviously we're not going to hurt or kill anybody.

The *Police Foundation Report* (see *2:15 DOJ Report Cites "Narrow Hallways" Interfered with Rescue*) documented that critically injured victims were on the patio when OPD officers arrived on the scene, shown below:

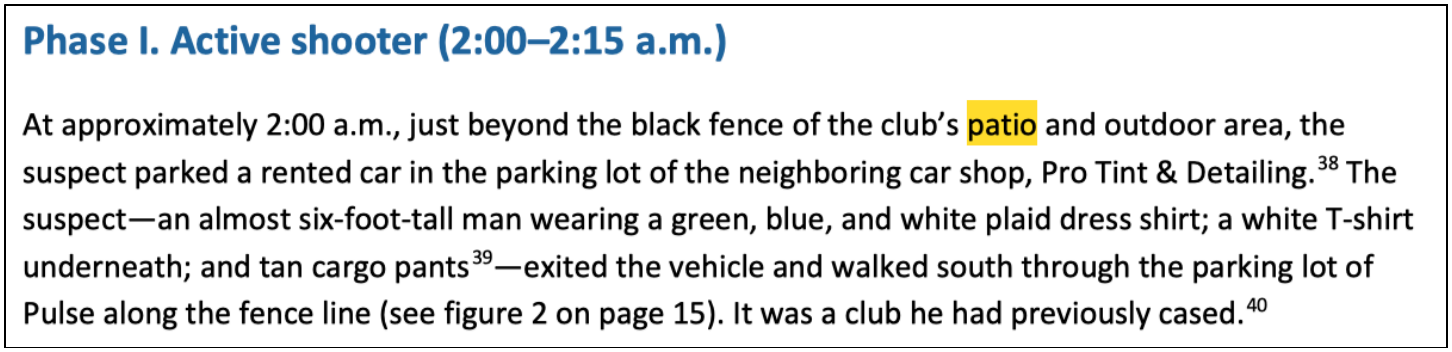


Lesson learned 5.1.1. Law enforcement agencies should equip and train officers in the use of personal tactical emergency medical kits that include tourniquets, "quick clot" occlusive dressings, and Israeli bandages.

The OPD trained all officers in IFAK tactical medical solutions, which proved essential to saving a significant number of critically injured victims, particularly from the Jewel Box and patio areas of the Pulse nightclub.

The *Orlando Sentinel* covered the unpermitted fence in detail (see the following section). However, this reporting did not go into any of the other unpermitted work or code violations.

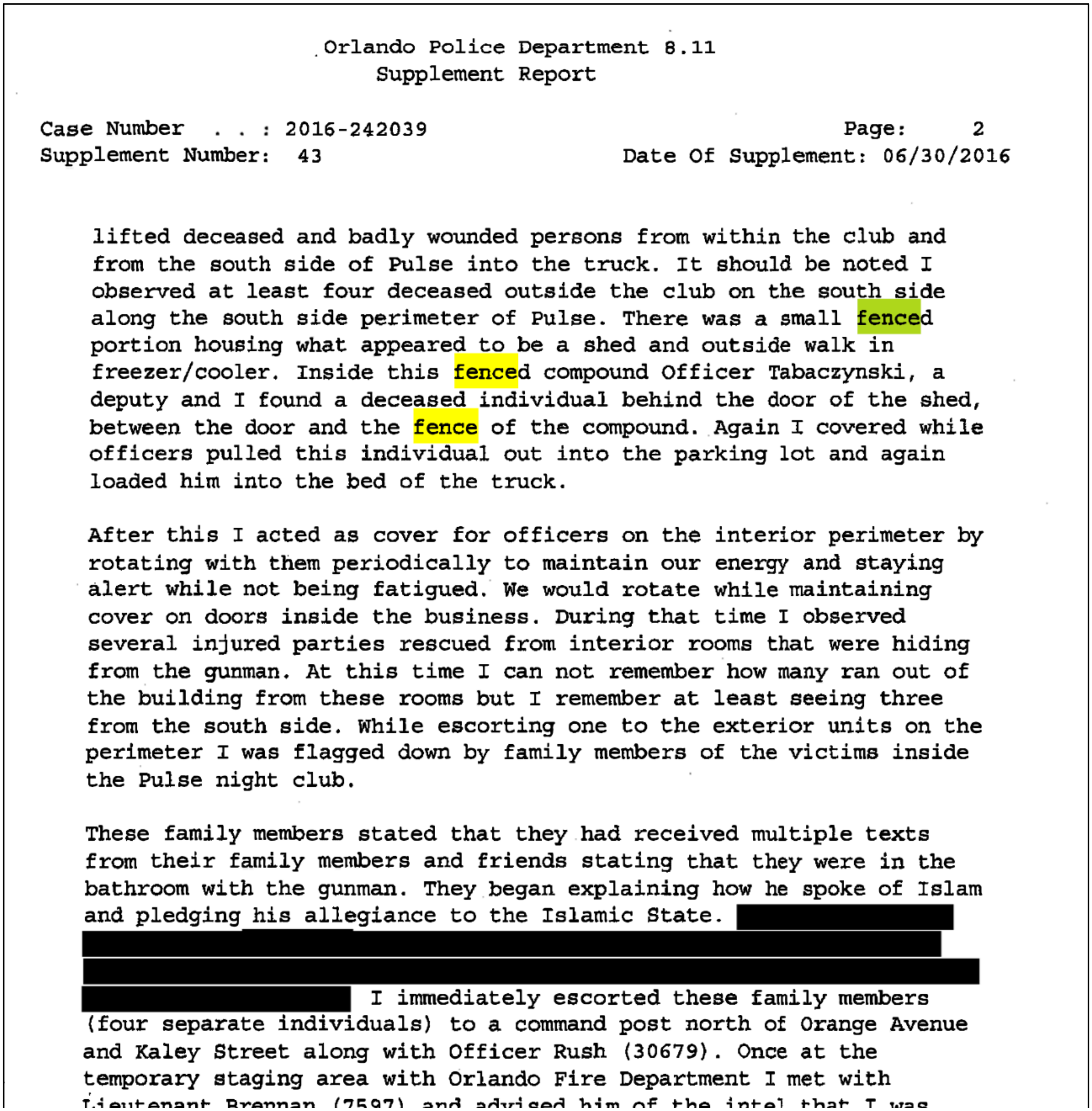
It is also worth noting that the shooter walked along the unpermitted fence to get into the bar from a neighboring parking lot. The fence provided him with cover from the west side as he walked unnoticed across the front of the building while armed with a SIG Sauer MCX semi-automatic rifle and a 9mm Glock 17 semi-automatic pistol.



Phase I. Active shooter (2:00–2:15 a.m.)

At approximately 2:00 a.m., just beyond the black fence of the club's patio and outdoor area, the suspect parked a rented car in the parking lot of the neighboring car shop, Pro Tint & Detailing.[38] The suspect—an almost six-foot-tall man wearing a green, blue, and white plaid dress shirt; a white T-shirt underneath; and tan cargo pants[39]—exited the vehicle and walked south through the parking lot of Pulse along the fence line (see figure 2 on page 15). It was a club he had previously cased.[40]

The following excerpt from “Supplemental-Reports-1-52-For-Website.pdf” located on the City of Orlando’s Pulse Tragedy Public Records page, also shows that one person found dead inside of another (unpermitted) fenced-in area along the south side of the building near a shed. This area was photographed by code enforcement on July 14, 2010 (see next section, _2.15 Orlando Sentinel Reports on Exits and the Unpermitted Fence_).



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Supplement Report

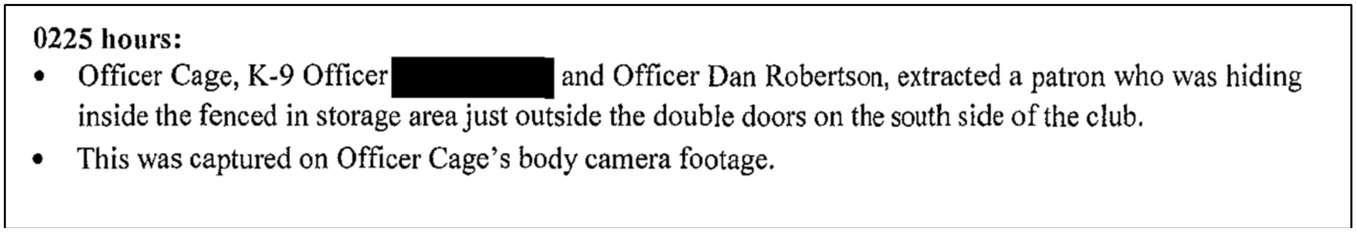
Case Number . . : 2016-242039 Page: 2
Supplement Number: 43 Date Of Supplement: 06/30/2016

lifted deceased and badly wounded persons from within the club and from the south side of Pulse into the truck. It should be noted I observed at least four deceased outside the club on the south side along the south side perimeter of Pulse. There was a small fenced portion housing what appeared to be a shed and outside walk in freezer/cooler. Inside this fenced compound Officer Tabaczynski, a deputy and I found a deceased individual behind the door of the shed, between the door and the fence of the compound. Again I covered while officers pulled this individual out into the parking lot and again loaded him into the bed of the truck.

After this I acted as cover for officers on the interior perimeter by rotating with them periodically to maintain our energy and staying alert while not being fatigued. We would rotate while maintaining cover on doors inside the business. During that time I observed several injured parties rescued from interior rooms that were hiding from the gunman. At this time I can not remember how many ran out of the building from these rooms but I remember at least seeing three from the south side. While escorting one to the exterior units on the perimeter I was flagged down by family members of the victims inside the Pulse night club.

These family members stated that they had received multiple texts from their family members and friends stating that they were in the bathroom with the gunman. They began explaining how he spoke of Islam and pledging his allegiance to the Islamic State. [redacted] I immediately escorted these family members (four separate individuals) to a command post north of Orange Avenue and Kaley Street along with Officer Rush (30679). Once at the temporary staging area with Orlando Fire Department I met with Lieutenant Brennan (7597) and advised him of the intel that I was

An OPD summary report of the shooting (released on the Pulse Tragedy Public Records page) also states that a person—unable to escape the premises—was extracted by two officers after they were found hiding inside the same (unpermitted) fenced-in storage area on the south side of the club where the deceased victim was found.

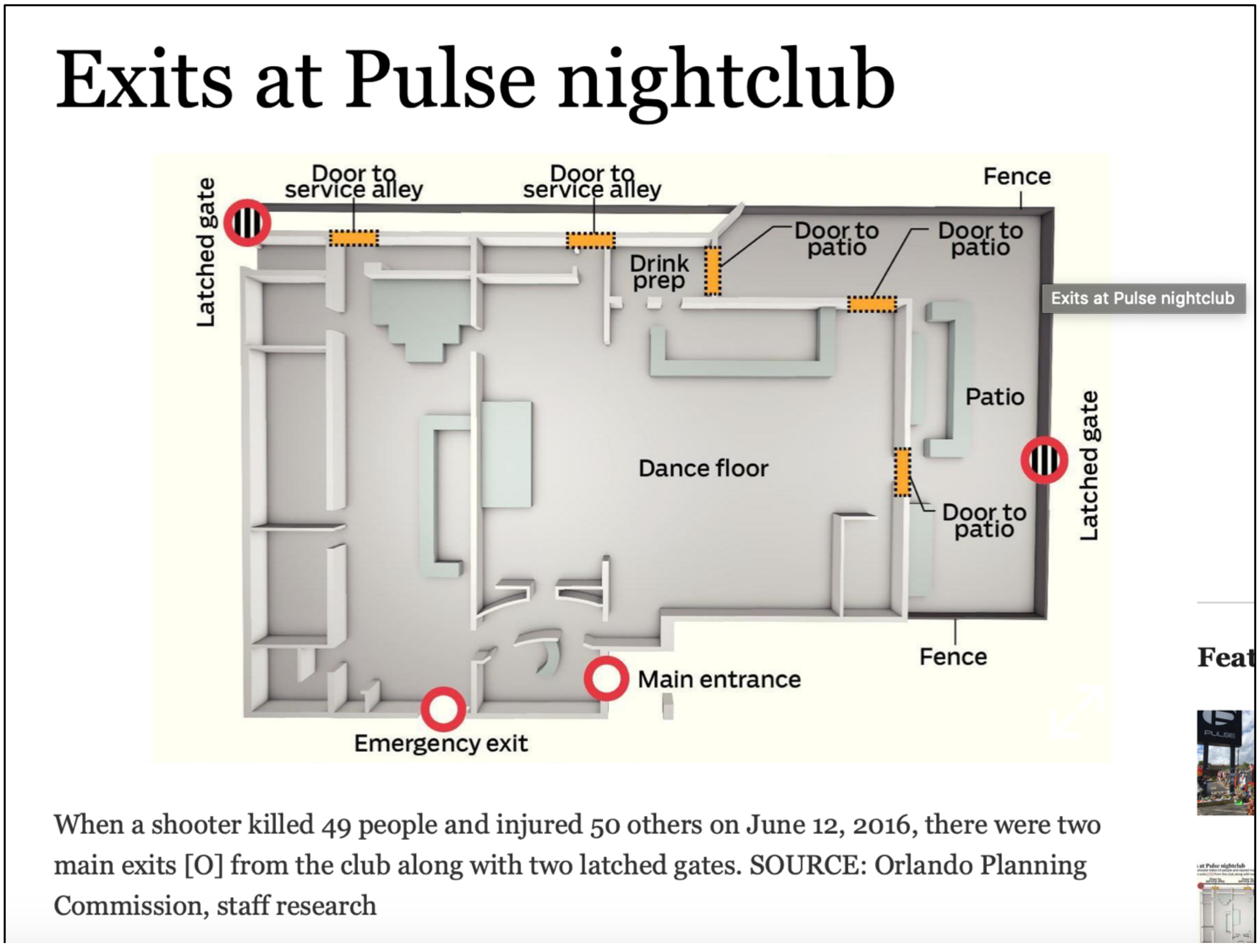


0225 hours:

- Officer Cage, K-9 Officer [redacted] and Officer Dan Robertson, extracted a patron who was hiding inside the fenced in storage area just outside the double doors on the south side of the club.
- This was captured on Officer Cage's body camera footage.

2.15 The *Orlando Sentinel* Reports on Exits and the Unpermitted Fence

The only coverage of permit issues published by news outlets was the story of the unpermitted fence in the *Orlando Sentinel*. Published with this story was the following floorplan, which shows that all exits except two led to areas that were fenced in with an unpermitted fence.



Exits at Pulse nightclub

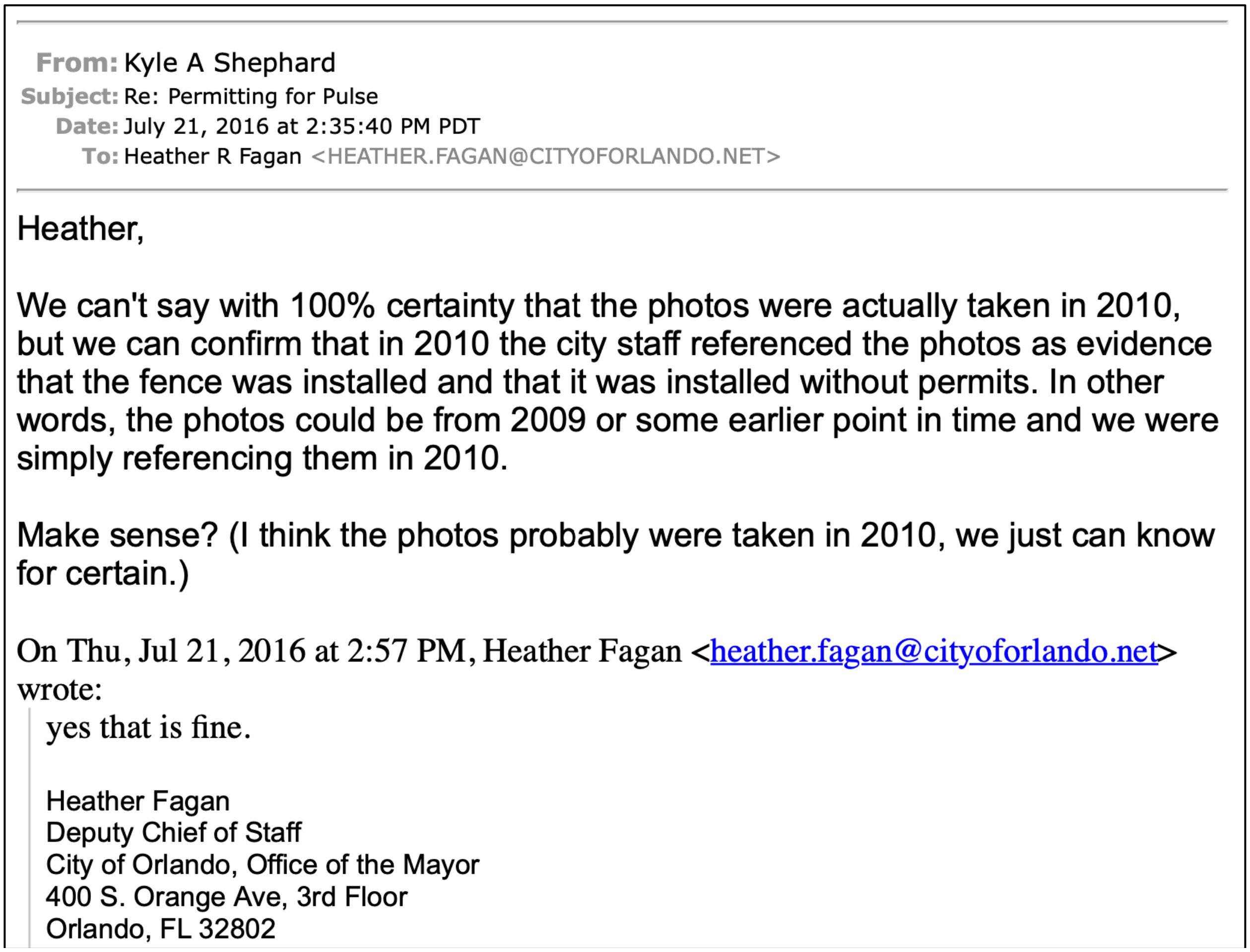
Door to service alley
Door to service alley
Fence
Latched gate
Drink prep
Door to patio
Door to patio
Exits at Pulse nightclub
Patio
Dance floor
Latched gate
Door to patio
Fence
Main entrance
Emergency exit
Feat

When a shooter killed 49 people and injured 50 others on June 12, 2016, there were two main exits [O] from the club along with two latched gates. SOURCE: Orlando Planning Commission, staff research

Figure 49:Image published in the Orlando Sentinel and based off the floor plans from Timothy Johnson's email shows only two exits (see 2.8 Unpermitted Floor Plans). The shooter entered the club through the main entrance, which made this exit inaccessible when the shooting began. People were forced to run towards the enclosed patio area and into bathrooms to exit the building. Once outside, survivors had to jump the fence or knock it over in order to escape to safety.

This reporting, however, did not cover any of the other unpermitted renovations done to the interior of the building or any other violations, such as Pulse operating as a nightclub (with a dance floor and cover charges) in direct violation of its approved conditional use permit.

In emailed communications, city officials prepared information for *Orlando Sentinel* reporter Christal Hayes. The email below shows that city officials were not providing accurate information to reporters. Kyle Shephard states he could not confirm when the photos were taken, but public records provide the date of July 14, 2010 on the photos (provide in this section).



From: Kyle A Shephard
Subject: Re: Permitting for Pulse
Date: July 21, 2016 at 2:35:40 PM PDT
To: Heather R Fagan <HEATHER.FAGAN@CITYOFORLANDO.NET>

Heather,

We can't say with 100% certainty that the photos were actually taken in 2010, but we can confirm that in 2010 the city staff referenced the photos as evidence that the fence was installed and that it was installed without permits. In other words, the photos could be from 2009 or some earlier point in time and we were simply referencing them in 2010.

Make sense? (I think the photos probably were taken in 2010, we just can know for certain.)

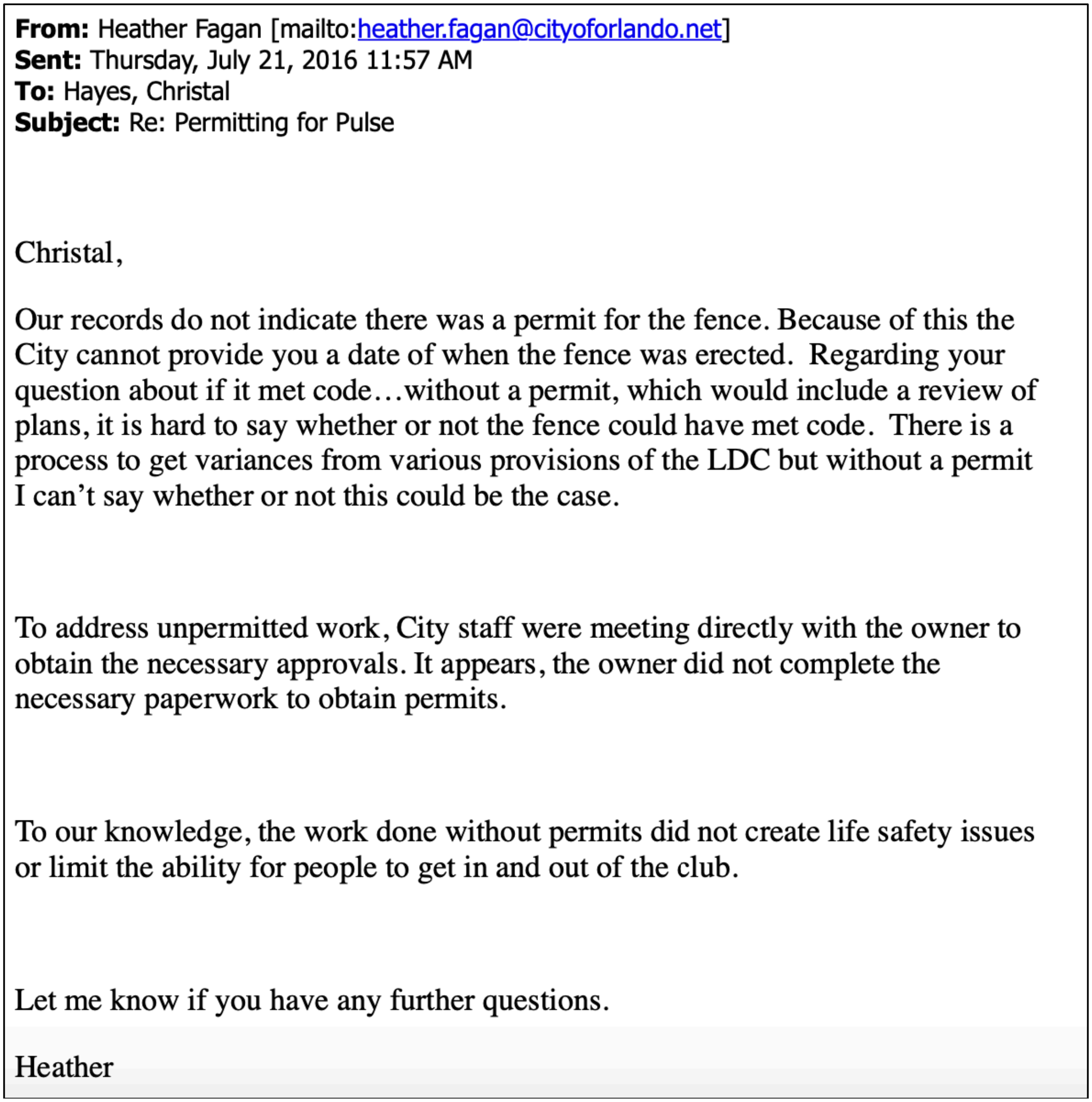
On Thu, Jul 21, 2016 at 2:57 PM, Heather Fagan <heather.fagan@cityoforlando.net> wrote:

> yes that is fine.
>
> Heather Fagan
> Deputy Chief of Staff
> City of Orlando, Office of the Mayor
> 400 S. Orange Ave, 3rd Floor
> Orlando, FL 32802

The following email to reporter Christal Hayes also indicates that city officials did not provide accurate information as to how the fence violated city codes (i.e. height, egress, parking lot, etc.), some of which can be found in Pulse's documented patio violations. One of such records is an email that written by Lakisha Hall (Planner III of the City Planning Division) and sent to Lillian Scott (Division Manager of the Permitting Division) that documents all the codes that the unpermitted fence violates. This email can be found at the bottom of this section.

This following email also confirms that Pulse co-owner Rosario Poma never filed the proper paperwork for any back permitting. Thus, the City never inspected the fence, outdoor patio bar, or the remodeled interior of the building.

Without inspecting and documenting the full scope and details of the unpermitted modifications, city officials cannot make claims as to whether or not the unpermitted work created life safety issues or limited the ability for people to get in and out of the club, as Heather Fagan did in her email.



From: Heather Fagan [mailto:heather.fagan@cityoforlando.net]
Sent: Thursday, July 21, 2016 11:57 AM
To: Hayes, Christal
Subject: Re: Permitting for Pulse

Christal,

Our records do not indicate there was a permit for the fence. Because of this the City cannot provide you a date of when the fence was erected. Regarding your question about if it met code…without a permit, which would include a review of plans, it is hard to say whether or not the fence could have met code. There is a process to get variances from various provisions of the LDC but without a permit I can't say whether or not this could be the case.

To address unpermitted work, City staff were meeting directly with the owner to obtain the necessary approvals. It appears, the owner did not complete the necessary paperwork to obtain permits.

To our knowledge, the work done without permits did not create life safety issues or limit the ability for people to get in and out of the club.

Let me know if you have any further questions.

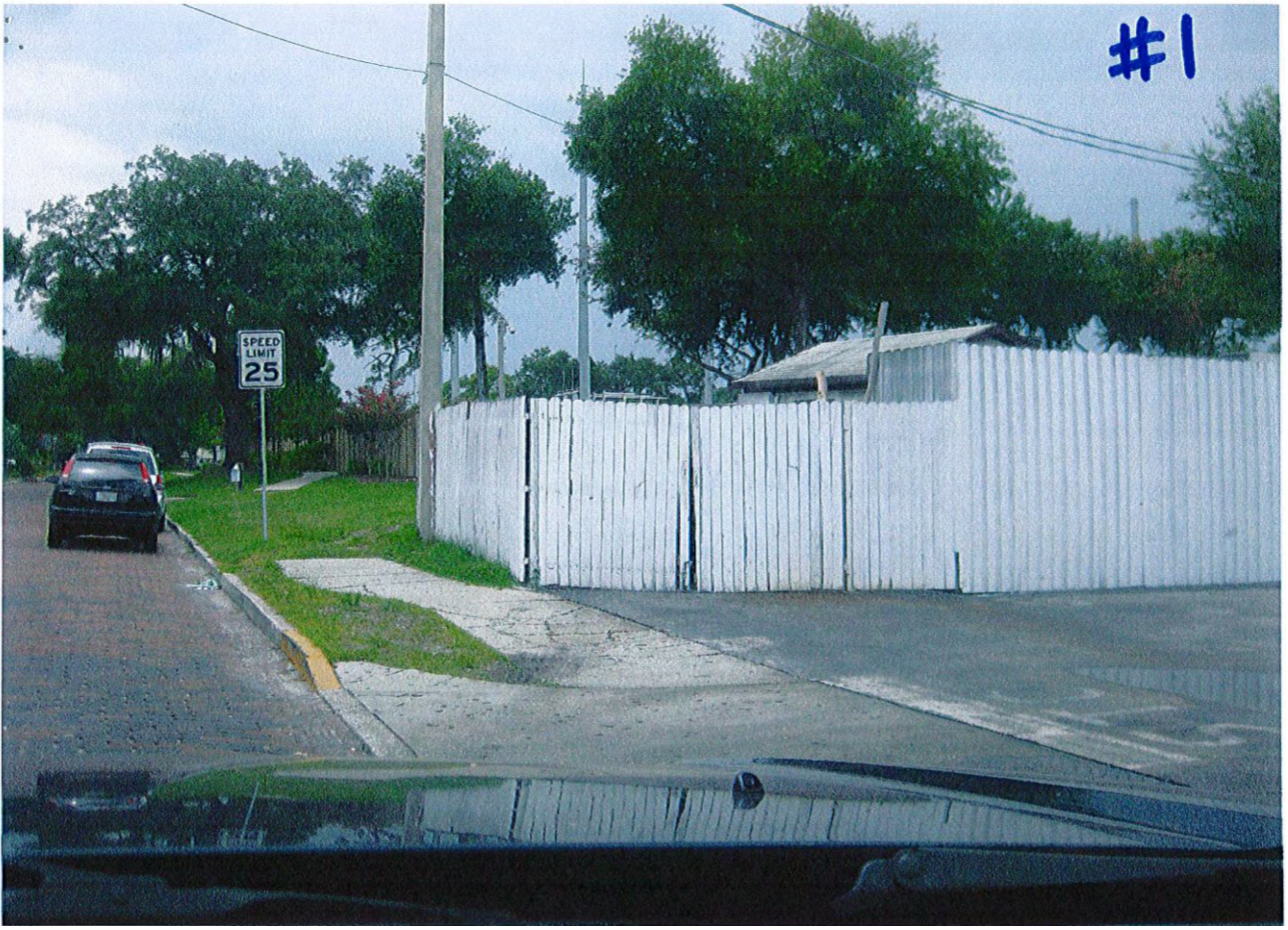
Heather

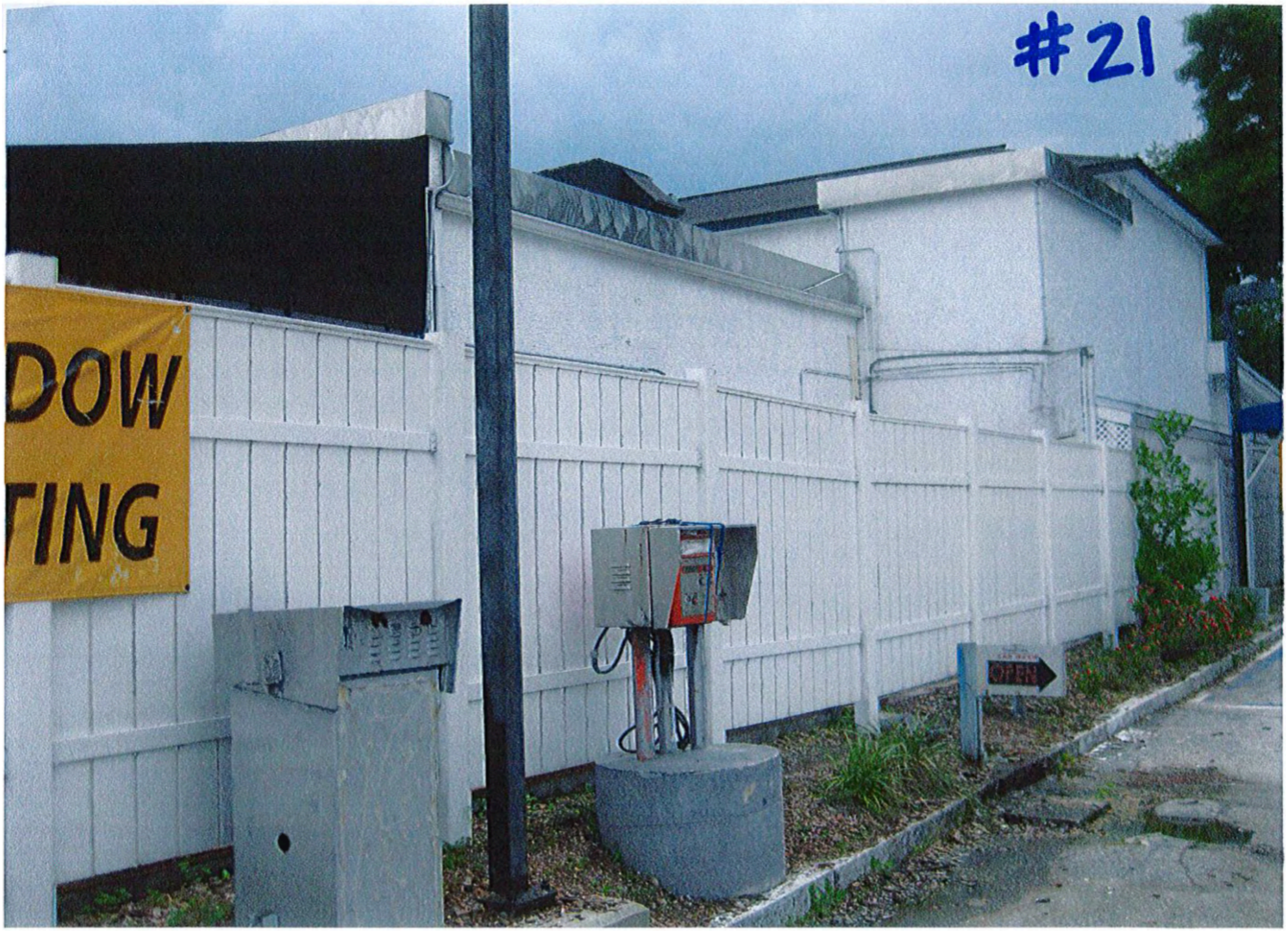
The photos of the unpermitted fence that were taken by City of Orlando code enforcement and discussed in the email exchanges between Christal Hayes, Heather Fagan, and Kyle Shephard show the 6-foot-tall white vinyl fence. It was painted black at a later (unknown) date, as was the interior of the building.

As the *Orlando Sentinel* article confirms, the fence was in violation of several of the City's codes and Pulse owners were never cited.

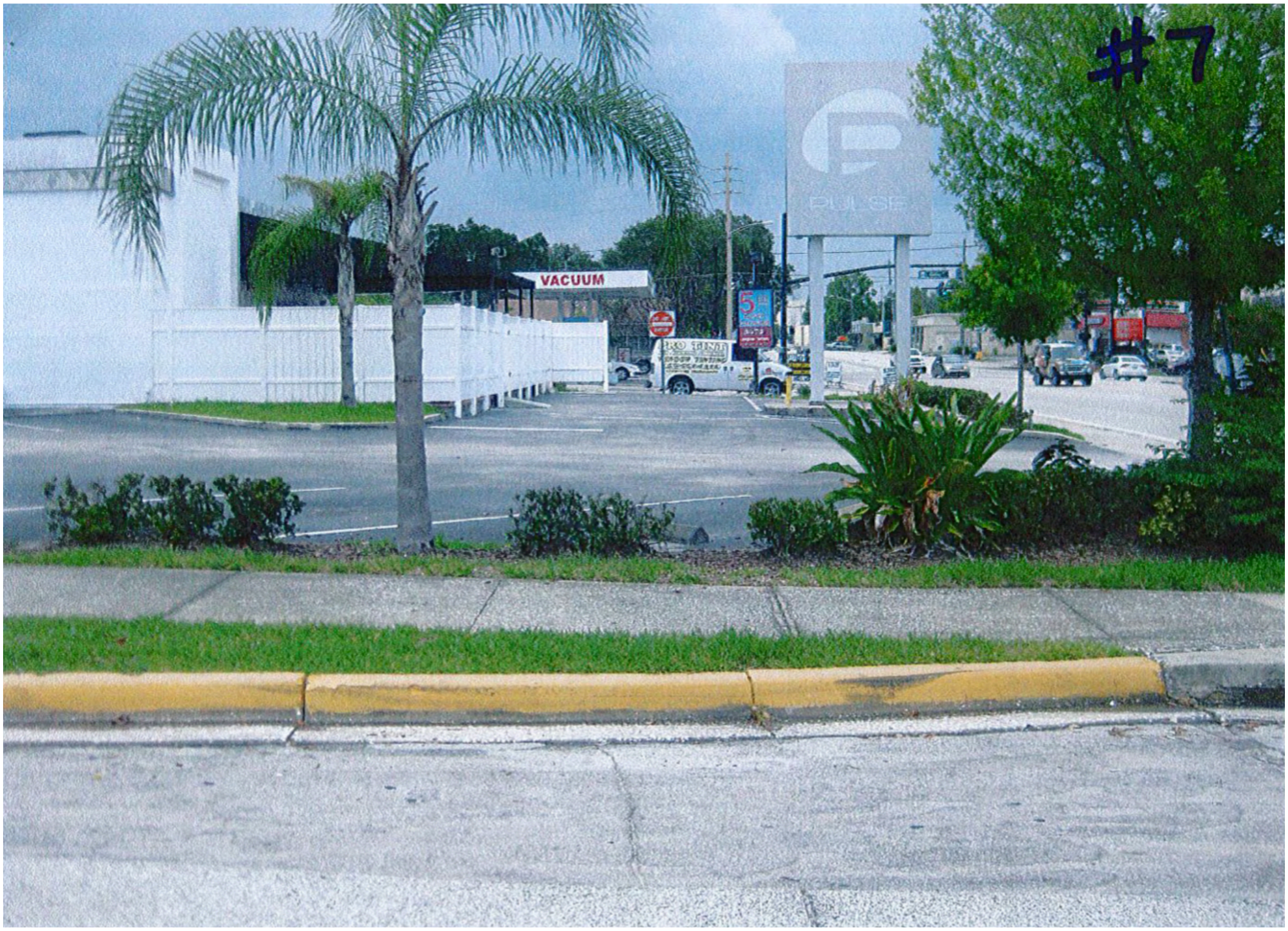
The following photos represent a sample of the fence photos taken by the City of Orlando and can be compared with how the fence appeared on June 12, 2016 shown in *Figure 31, Figure 32*, and *Figure 43* in section 2.13 After Photos: Pulse After the Shooting.

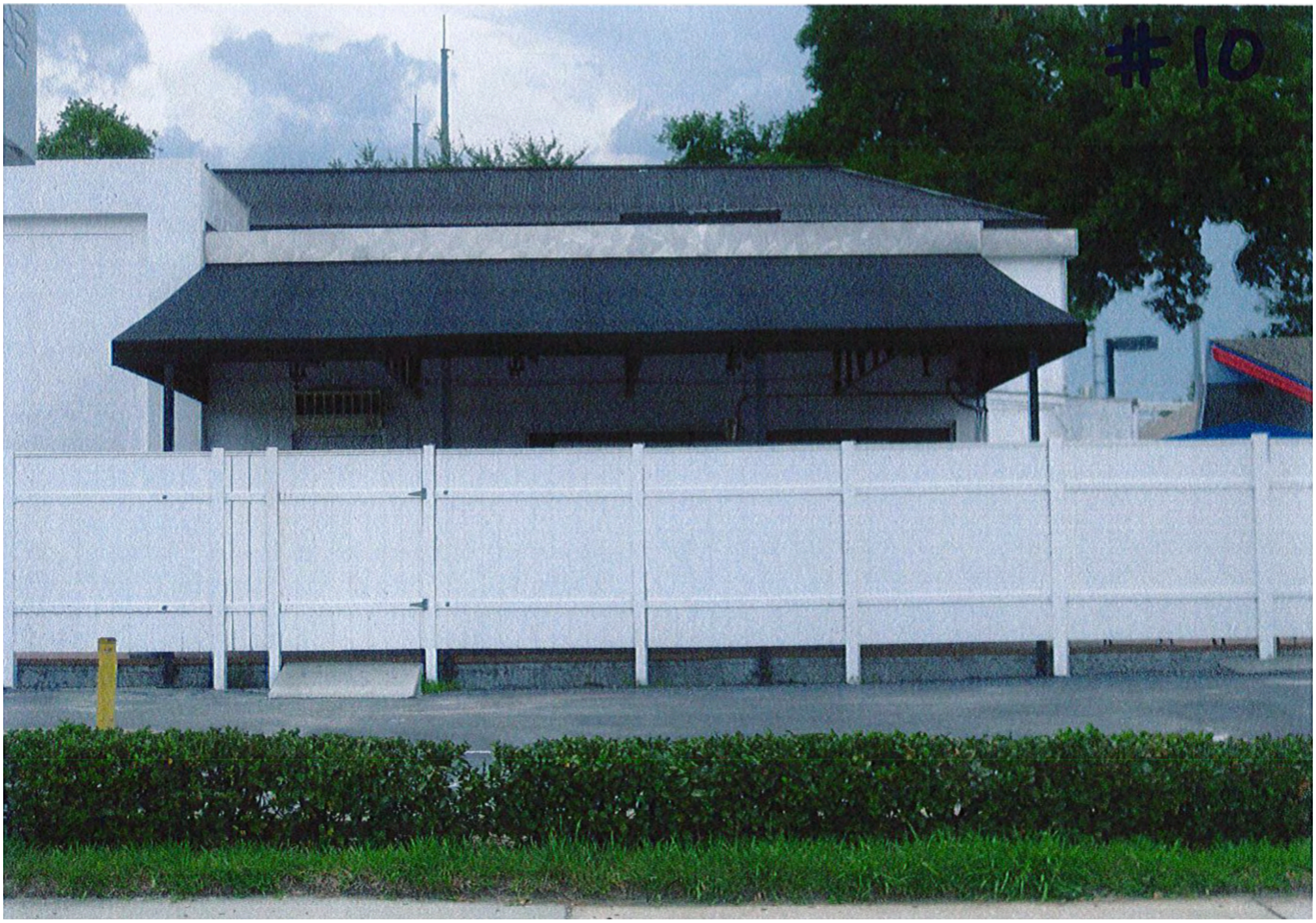
7/14/10

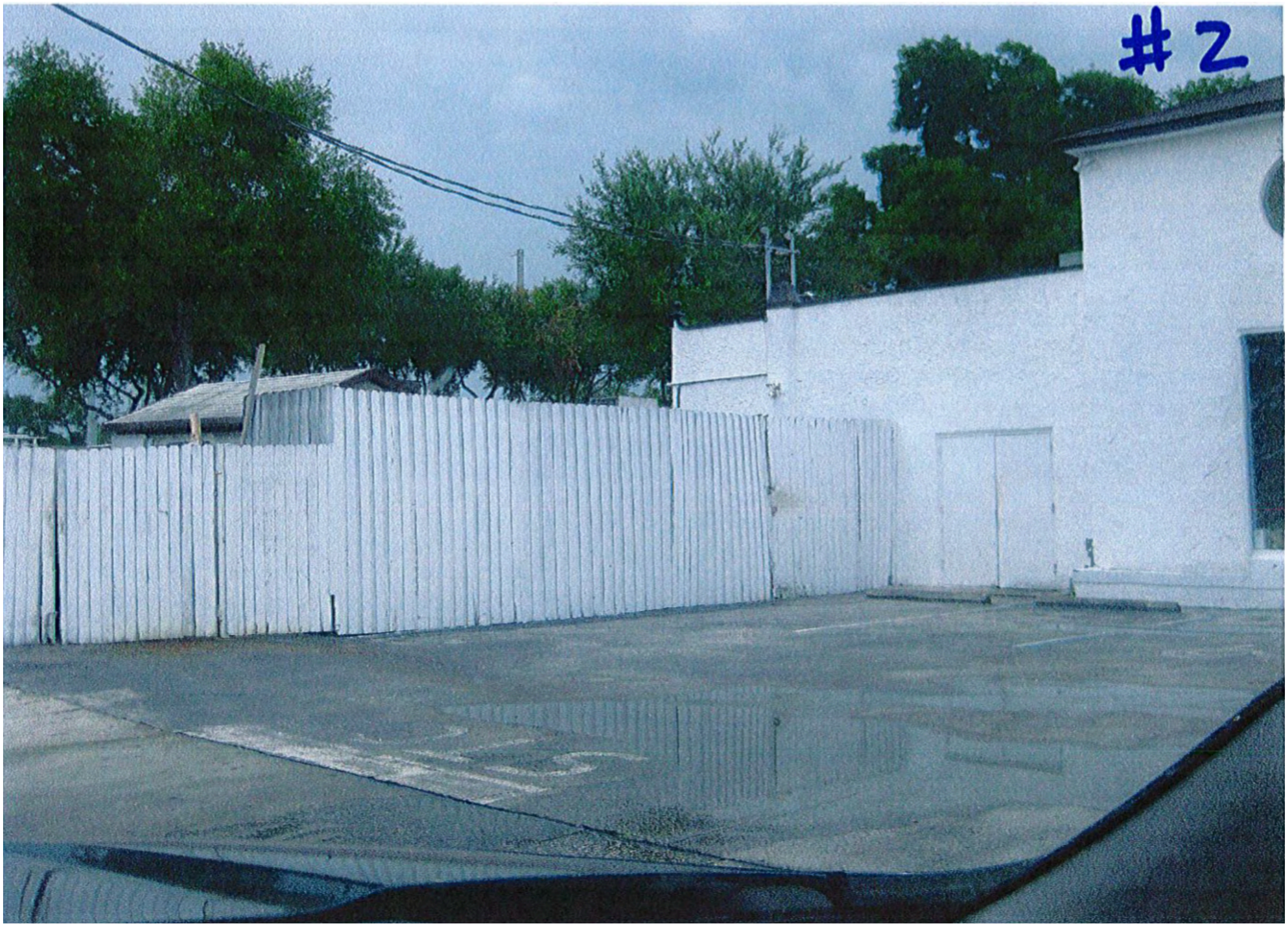

#1
SPEED LIMIT 25

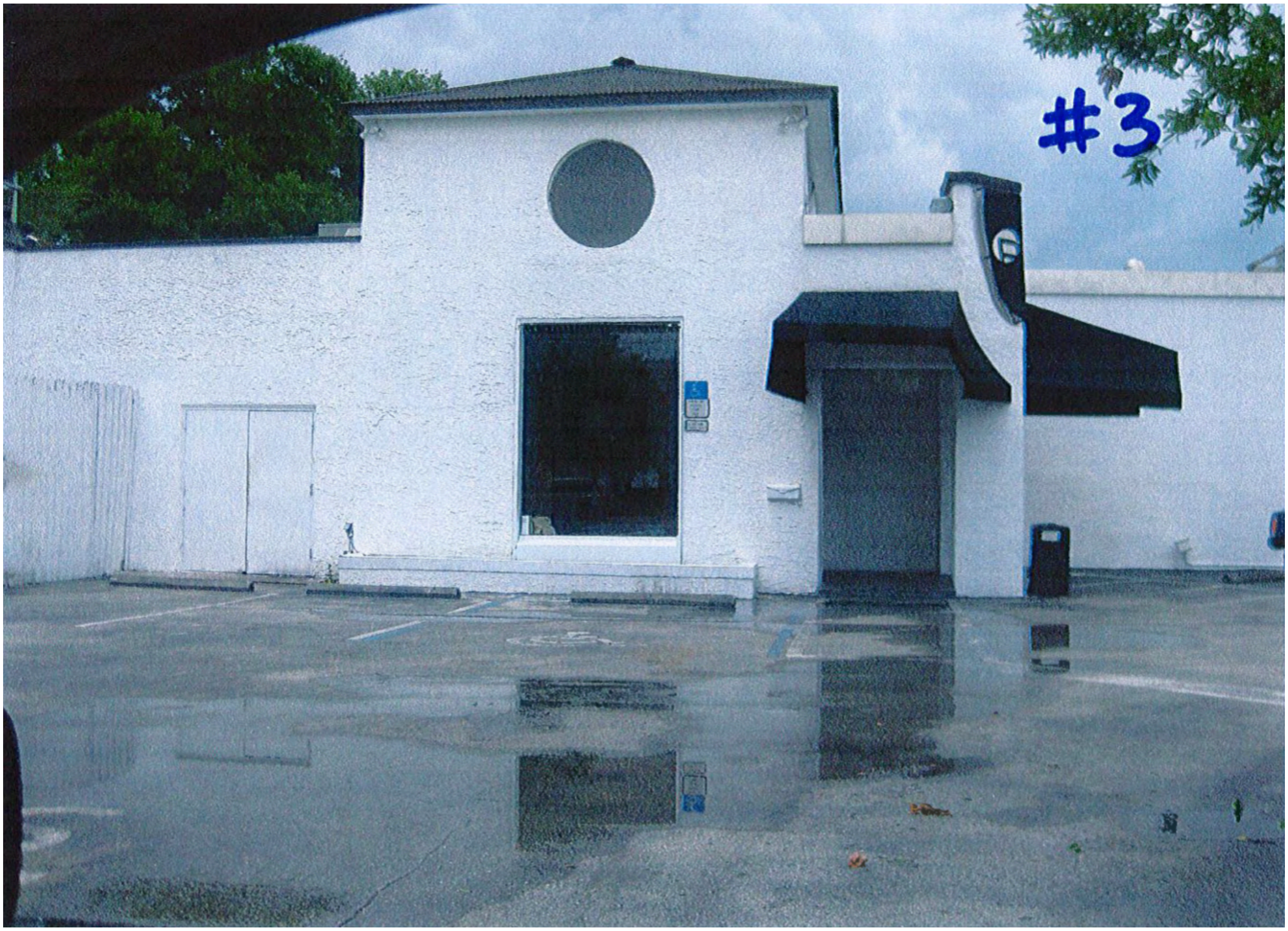

#21
DOW
TING
OPEN

#18

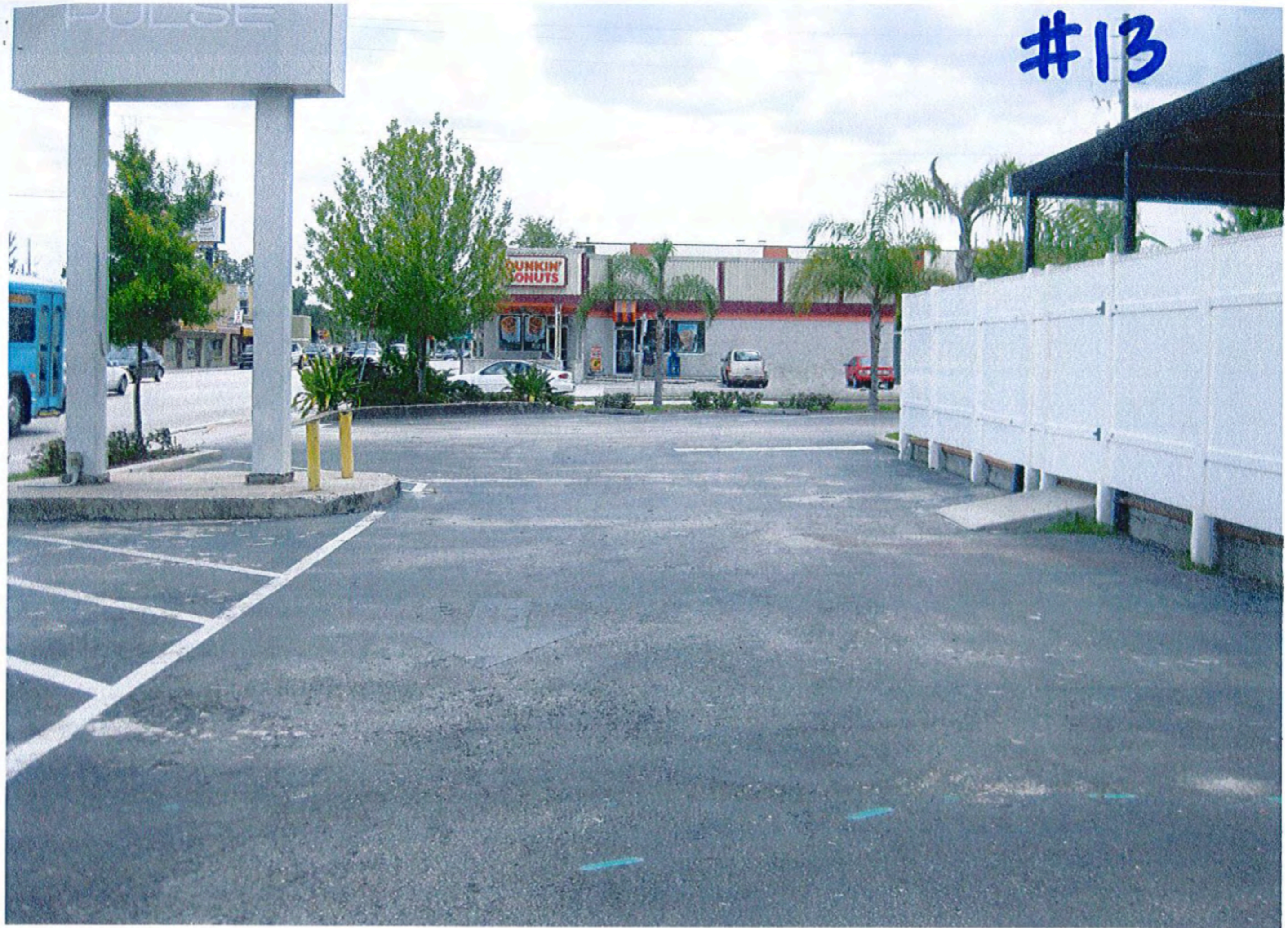

#7
PULSE
VACUUM


#10

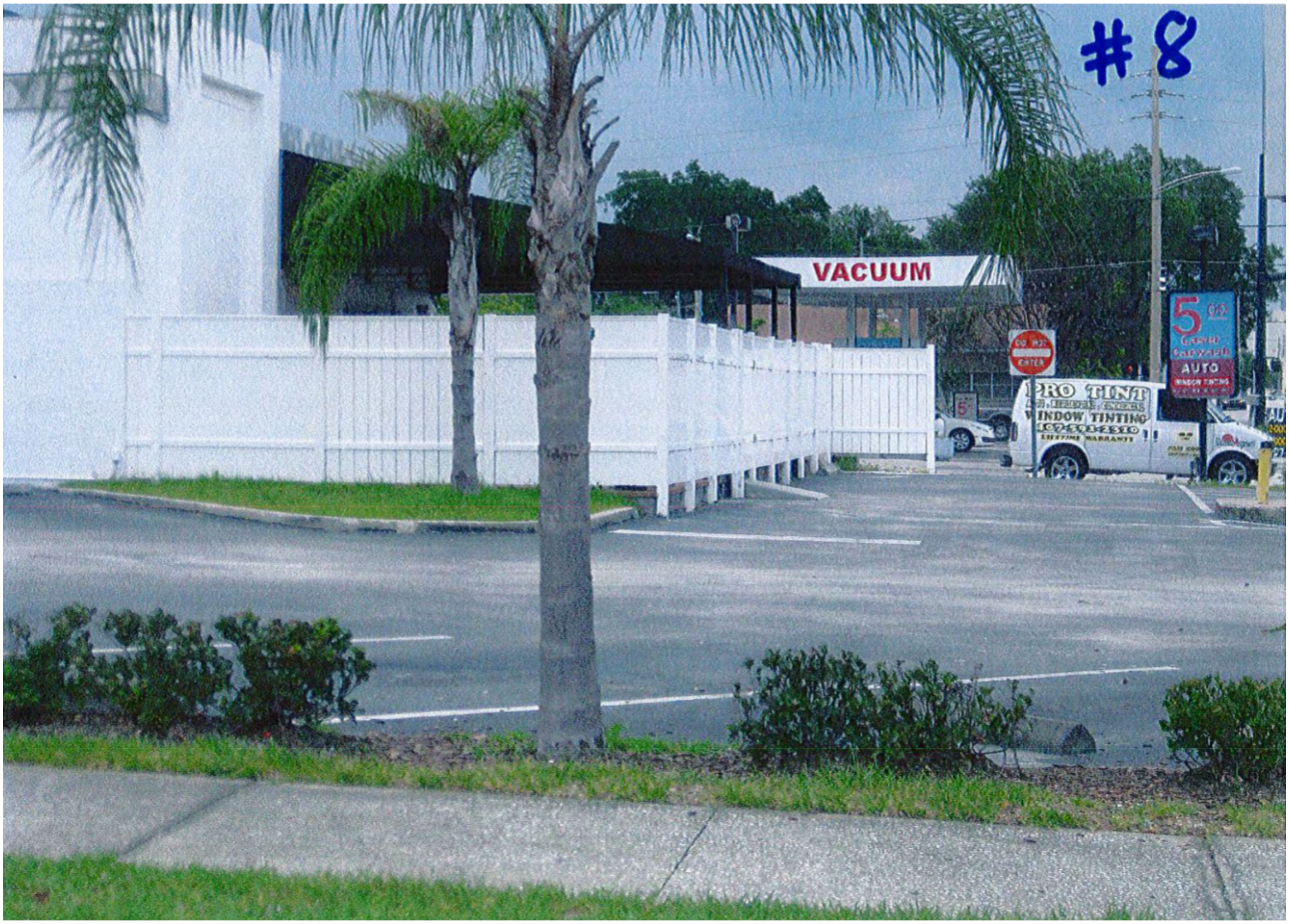

#2


#3

#12


#13

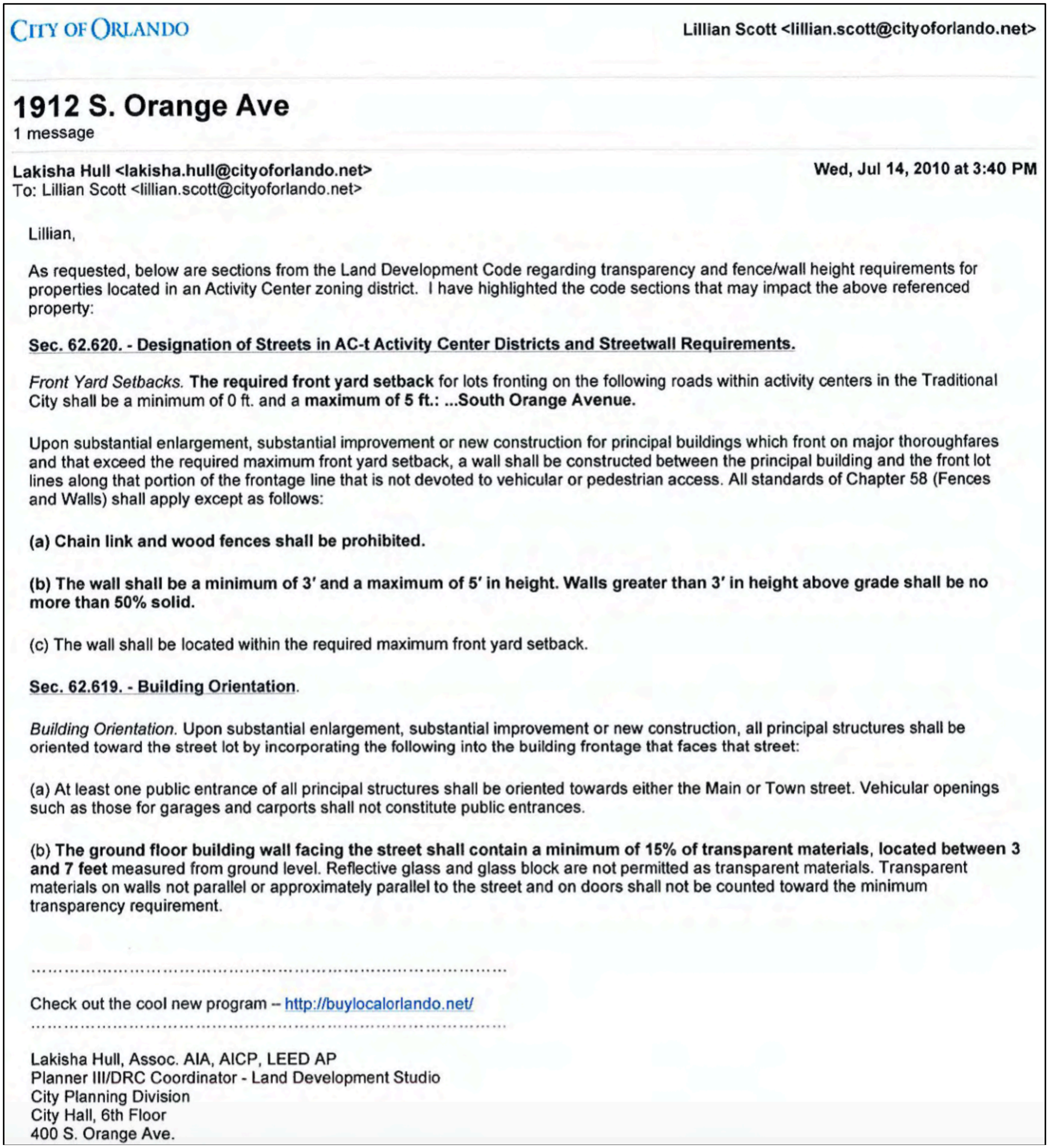
PULSE
DUNKIN' DONUTS



#8

VACUUM
DO NOT ENTER
PRO TINT
WINDOW TINTING
LIFETIME WARRANTY
AUTO
WINDOW TINTING

The following email from Lakisha Hull (Planner III of the City Planning Division) to Lillian Scott (Permitting Division Manager) on July 14, 2010, details the fence's code violations. No citation was ever issued to Pulse owners.



CITY OF ORLANDO

Lillian Scott <lillian.scott@cityoforlando.net>

1912 S. Orange Ave

1 message

Lakisha Hull <lakisha.hull@cityoforlando.net> **Wed, Jul 14, 2010 at 3:40 PM**
To: Lillian Scott <lillian.scott@cityoforlando.net>

Lillian,

As requested, below are sections from the Land Development Code regarding transparency and fence/wall height requirements for properties located in an Activity Center zoning district. I have highlighted the code sections that may impact the above referenced property:

Sec. 62.620. - Designation of Streets in AC-t Activity Center Districts and Streetwall Requirements.

Front Yard Setbacks. **The required front yard setback** for lots fronting on the following roads within activity centers in the Traditional City shall be a minimum of 0 ft. and a **maximum of 5 ft.: ...South Orange Avenue.**

Upon substantial enlargement, substantial improvement or new construction for principal buildings which front on major thoroughfares and that exceed the required maximum front yard setback, a wall shall be constructed between the principal building and the front lot lines along that portion of the frontage line that is not devoted to vehicular or pedestrian access. All standards of Chapter 58 (Fences and Walls) shall apply except as follows:

(a) Chain link and wood fences shall be prohibited.

(b) The wall shall be a minimum of 3′ and a maximum of 5′ in height. Walls greater than 3′ in height above grade shall be no more than 50% solid.

(c) The wall shall be located within the required maximum front yard setback.

Sec. 62.619. - Building Orientation.

Building Orientation. Upon substantial enlargement, substantial improvement or new construction, all principal structures shall be oriented toward the street lot by incorporating the following into the building frontage that faces that street:

(a) At least one public entrance of all principal structures shall be oriented towards either the Main or Town street. Vehicular openings such as those for garages and carports shall not constitute public entrances.

(b) **The ground floor building wall facing the street shall contain a minimum of 15% of transparent materials, located between 3 and 7 feet** measured from ground level. Reflective glass and glass block are not permitted as transparent materials. Transparent materials on walls not parallel or approximately parallel to the street and on doors shall not be counted toward the minimum transparency requirement.

……

Check out the cool new program -- http://buylocalorlando.net/

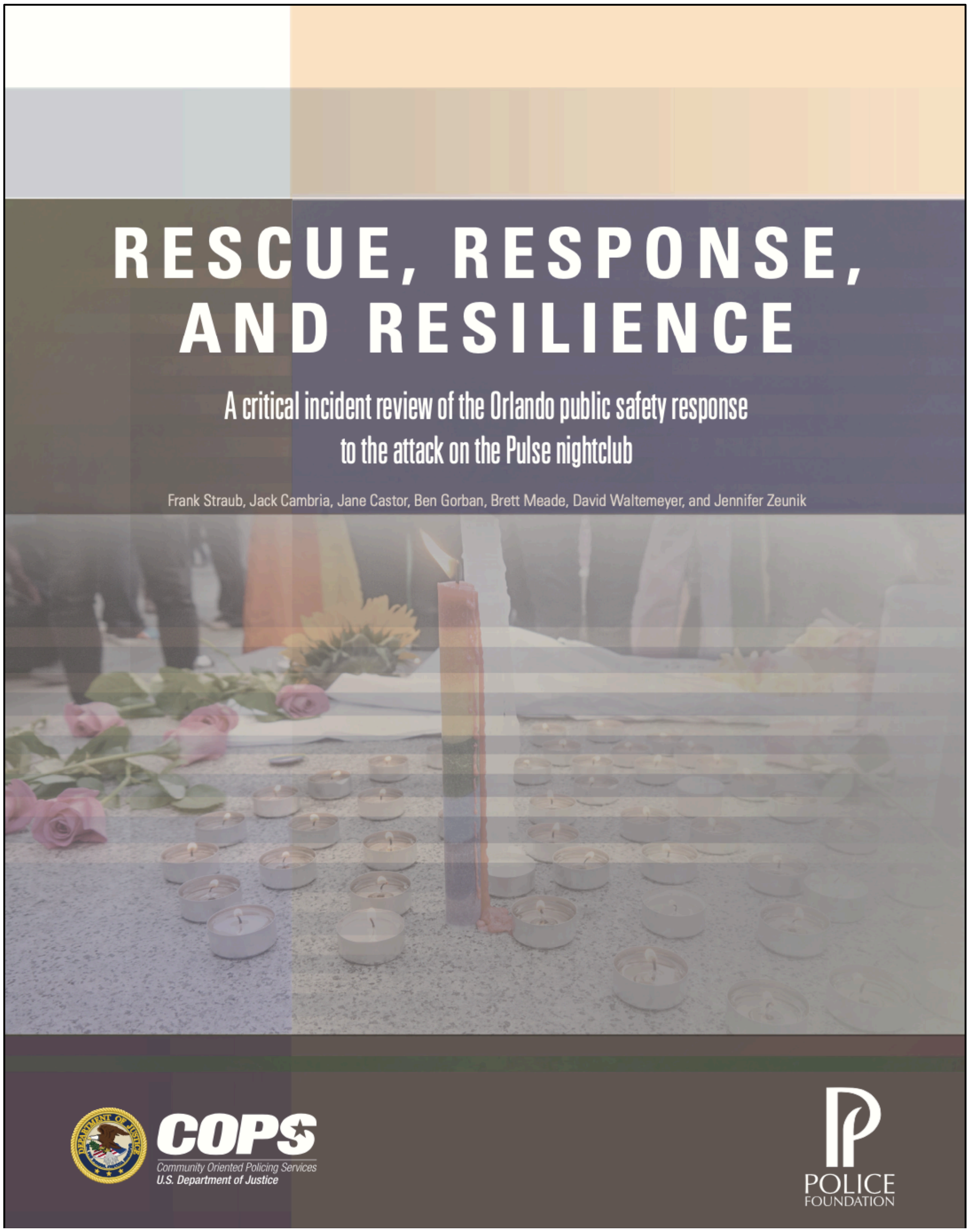
……

Lakisha Hull, Assoc. AIA, AICP, LEED AP
Planner III/DRC Coordinator - Land Development Studio
City Planning Division
City Hall, 6th Floor
400 S. Orange Ave.

2.16 DOJ Report Cites "Narrow Hallways" Interfered with Rescue

The Police Foundation (Department of Justice) published a report entitled, "Rescue, Response, and Resilience," which reviewed the response to the mass shooting. Throughout the report are references to "narrow hallways," which interfered with law enforcement being able to locate the shooter and rescue victims.

The last approved floor plans of Pulse from 2003 show no hallways (see *2.1 Original Floor Plans: BLDG2003-08240*). All hallways that existed in the nightclub were constructed without permits. Thus, these "narrow hallways" were never inspected to ensure that they were in compliance with building codes or that they met fire code standards.



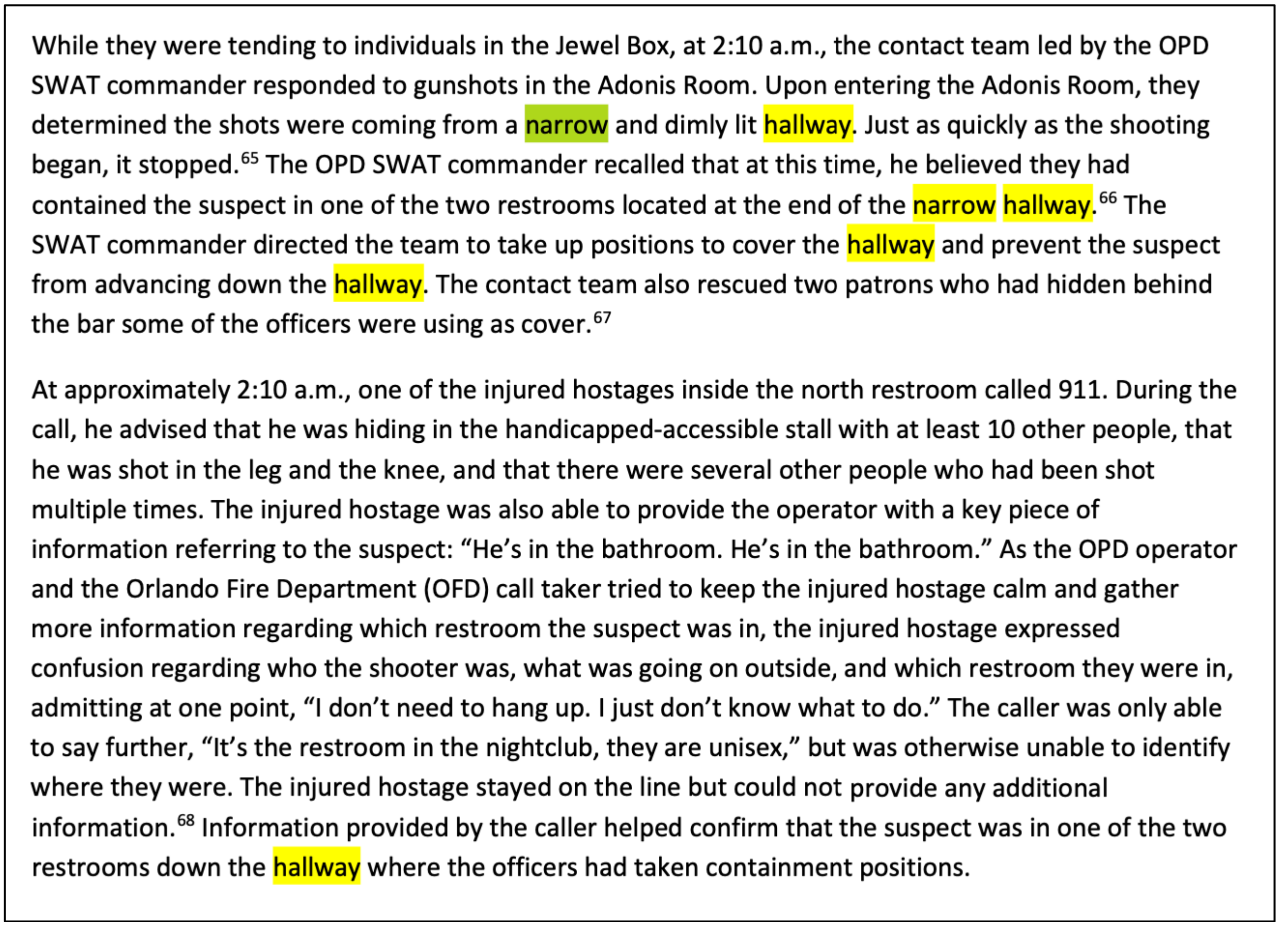
RESCUE, RESPONSE, AND RESILIENCE

A critical incident review of the Orlando public safety response to the attack on the Pulse nightclub

Frank Straub, Jack Cambria, Jane Castor, Ben Gorban, Brett Meade, David Waltemeyer, and Jennifer Zeunik

COPS
Community Oriented Policing Services
U.S. Department of Justice

POLICE FOUNDATION

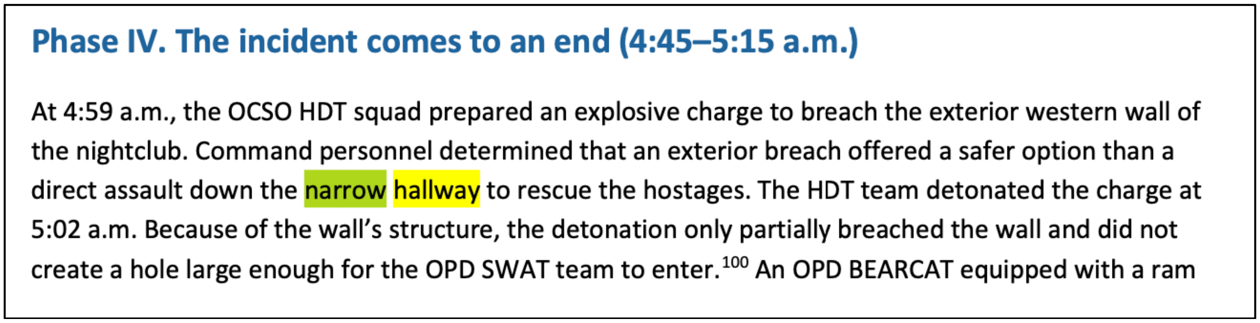


While they were tending to individuals in the Jewel Box, at 2:10 a.m., the contact team led by the OPD SWAT commander responded to gunshots in the Adonis Room. Upon entering the Adonis Room, they determined the shots were coming from a narrow and dimly lit hallway. Just as quickly as the shooting began, it stopped.[65] The OPD SWAT commander recalled that at this time, he believed they had contained the suspect in one of the two restrooms located at the end of the narrow hallway.[66] The SWAT commander directed the team to take up positions to cover the hallway and prevent the suspect from advancing down the hallway. The contact team also rescued two patrons who had hidden behind the bar some of the officers were using as cover.[67]

At approximately 2:10 a.m., one of the injured hostages inside the north restroom called 911. During the call, he advised that he was hiding in the handicapped-accessible stall with at least 10 other people, that he was shot in the leg and the knee, and that there were several other people who had been shot multiple times. The injured hostage was also able to provide the operator with a key piece of information referring to the suspect: "He's in the bathroom. He's in the bathroom." As the OPD operator and the Orlando Fire Department (OFD) call taker tried to keep the injured hostage calm and gather more information regarding which restroom the suspect was in, the injured hostage expressed confusion regarding who the shooter was, what was going on outside, and which restroom they were in, admitting at one point, "I don't need to hang up. I just don't know what to do." The caller was only able to say further, "It's the restroom in the nightclub, they are unisex," but was otherwise unable to identify where they were. The injured hostage stayed on the line but could not provide any additional information.[68] Information provided by the caller helped confirm that the suspect was in one of the two restrooms down the hallway where the officers had taken containment positions.

Figure 50: Excerpt from page 20 of the Police Foundation report, "Rescue, Response, and Resilience."

The following excerpt documents that an exterior breach was "a safer option than a direct assault down the [unpermitted] narrow hallways to rescue the hostages."

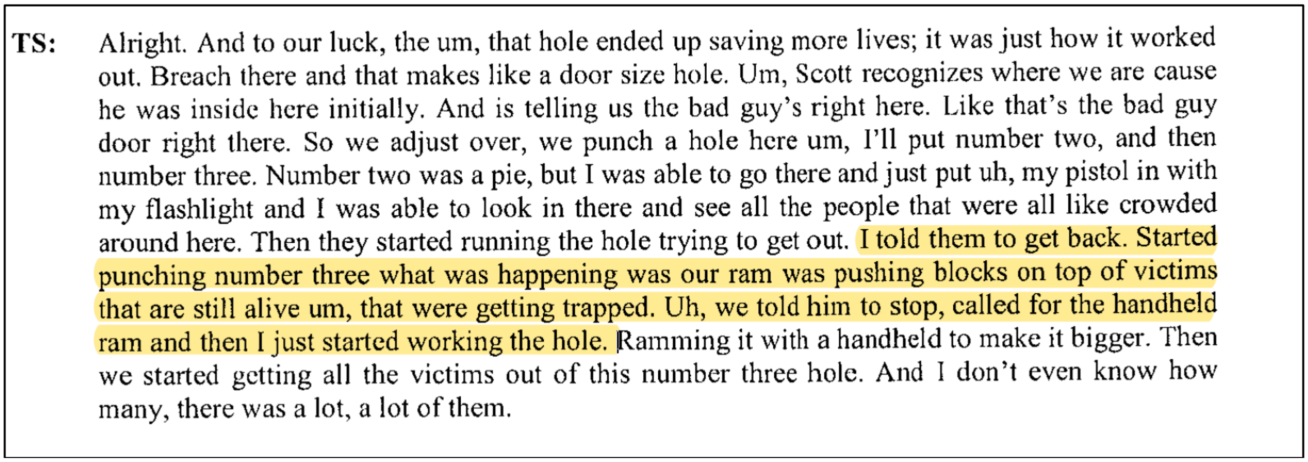


Phase IV. The incident comes to an end (4:45–5:15 a.m.)

At 4:59 a.m., the OCSO HDT squad prepared an explosive charge to breach the exterior western wall of the nightclub. Command personnel determined that an exterior breach offered a safer option than a direct assault down the narrow hallway to rescue the hostages. The HDT team detonated the charge at 5:02 a.m. Because of the wall's structure, the detonation only partially breached the wall and did not create a hole large enough for the OPD SWAT team to enter.[100] An OPD BEARCAT equipped with a ram

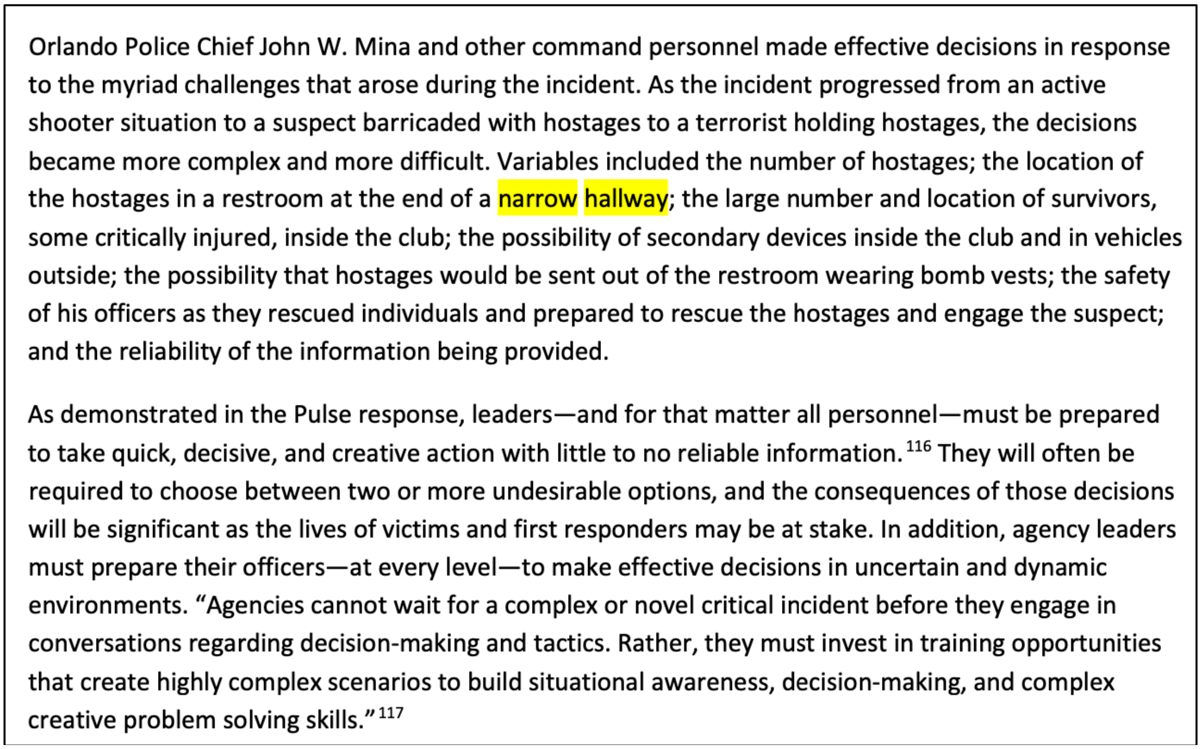
Figure 51:Excerpt from page 29 of the Police Foundation report, "Rescue, Response, and Resilience." This excerpt clearly states that the narrow hallway was the reason why an exterior breach was required to rescue hostages. It was a safer option due to the building's narrow hallway, which was unpermitted.

According to transcripts from an OPD internal investigation (June 17, 2016), the exterior breach made necessary due to the unpermitted narrow hallways resulted in additional injury to the hostages being rescued. Officer Timothy Stanley stated, “what was happening was our ram was pushing blocks on top of victims that are still alive um, that were getting trapped. Uh, we told him to stop…”



TS: Alright. And to our luck, the um, that hole ended up saving more lives; it was just how it worked out. Breach there and that makes like a door size hole. Um, Scott recognizes where we are cause he was inside here initially. And is telling us the bad guy’s right here. Like that’s the bad guy door right there. So we adjust over, we punch a hole here um, I’ll put number two, and then number three. Number two was a pie, but I was able to go there and just put uh, my pistol in with my flashlight and I was able to look in there and see all the people that were all like crowded around here. Then they started running the hole trying to get out. I told them to get back. Started punching number three what was happening was our ram was pushing blocks on top of victims that are still alive um, that were getting trapped. Uh, we told him to stop, called for the handheld ram and then I just started working the hole. Ramming it with a handheld to make it bigger. Then we started getting all the victims out of this number three hole. And I don’t even know how many, there was a lot, a lot of them.

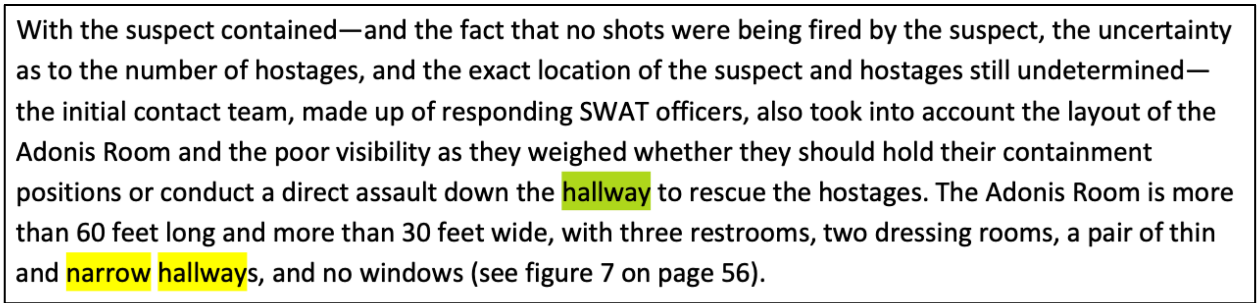
The following excerpts taken from the Police Foundation report also states the building’s (unpermitted) narrow hallways kept hostages trapped, the lack of windows, and poor visibility.



Orlando Police Chief John W. Mina and other command personnel made effective decisions in response to the myriad challenges that arose during the incident. As the incident progressed from an active shooter situation to a suspect barricaded with hostages to a terrorist holding hostages, the decisions became more complex and more difficult. Variables included the number of hostages; the location of the hostages in a restroom at the end of a narrow hallway; the large number and location of survivors, some critically injured, inside the club; the possibility of secondary devices inside the club and in vehicles outside; the possibility that hostages would be sent out of the restroom wearing bomb vests; the safety of his officers as they rescued individuals and prepared to rescue the hostages and engage the suspect; and the reliability of the information being provided.

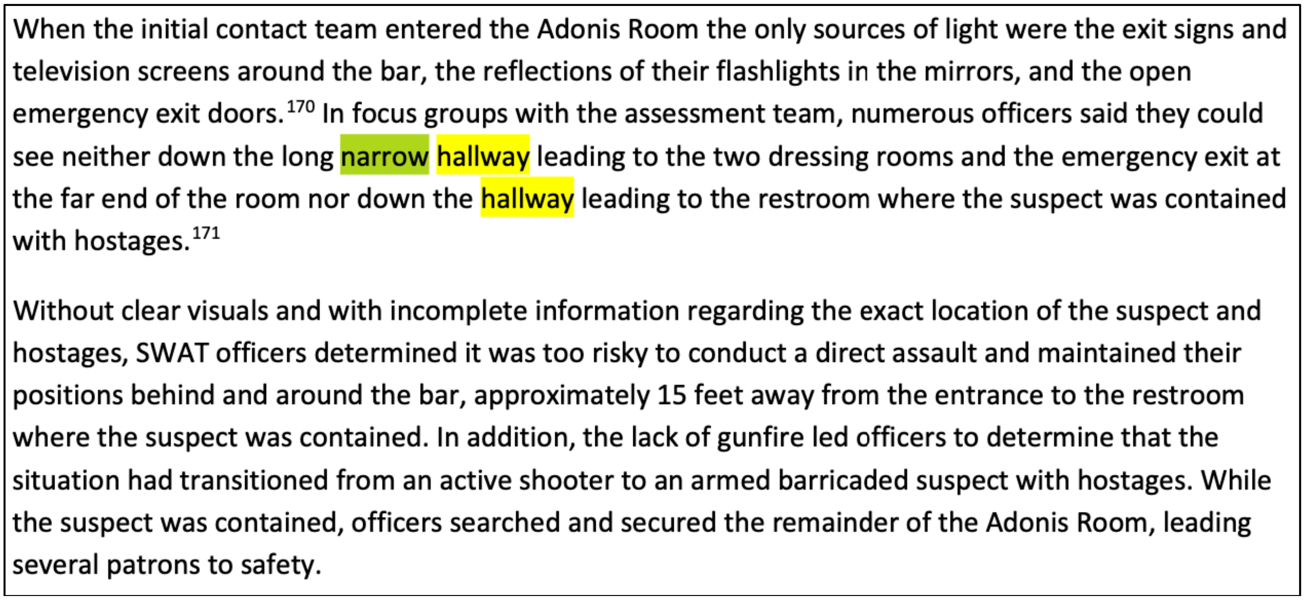
As demonstrated in the Pulse response, leaders—and for that matter all personnel—must be prepared to take quick, decisive, and creative action with little to no reliable information.[116] They will often be required to choose between two or more undesirable options, and the consequences of those decisions will be significant as the lives of victims and first responders may be at stake. In addition, agency leaders must prepare their officers—at every level—to make effective decisions in uncertain and dynamic environments. “Agencies cannot wait for a complex or novel critical incident before they engage in conversations regarding decision-making and tactics. Rather, they must invest in training opportunities that create highly complex scenarios to build situational awareness, decision-making, and complex creative problem solving skills.”[117]

Figure 52:Excerpt from page 35 of the Police Foundation report, “Rescue, Response, and Resilience.” This page also notes the narrow hallway, but furthermore references the “little to no reliable information.”



With the suspect contained—and the fact that no shots were being fired by the suspect, the uncertainty as to the number of hostages, and the exact location of the suspect and hostages still undetermined—the initial contact team, made up of responding SWAT officers, also took into account the layout of the Adonis Room and the poor visibility as they weighed whether they should hold their containment positions or conduct a direct assault down the hallway to rescue the hostages. The Adonis Room is more than 60 feet long and more than 30 feet wide, with three restrooms, two dressing rooms, a pair of thin and narrow hallways, and no windows (see figure 7 on page 56).

Figure 53: Excerpt from page 53 of the Police Foundation report, "Rescue, Response, and Resilience." This passage also references the narrow hallways, as well as a lack of windows and the rooms (that were unpermitted). The approved floor plans had two bathrooms in the Adonis Room. The third bathroom was approved as a VIP area. The exit door was also moved.



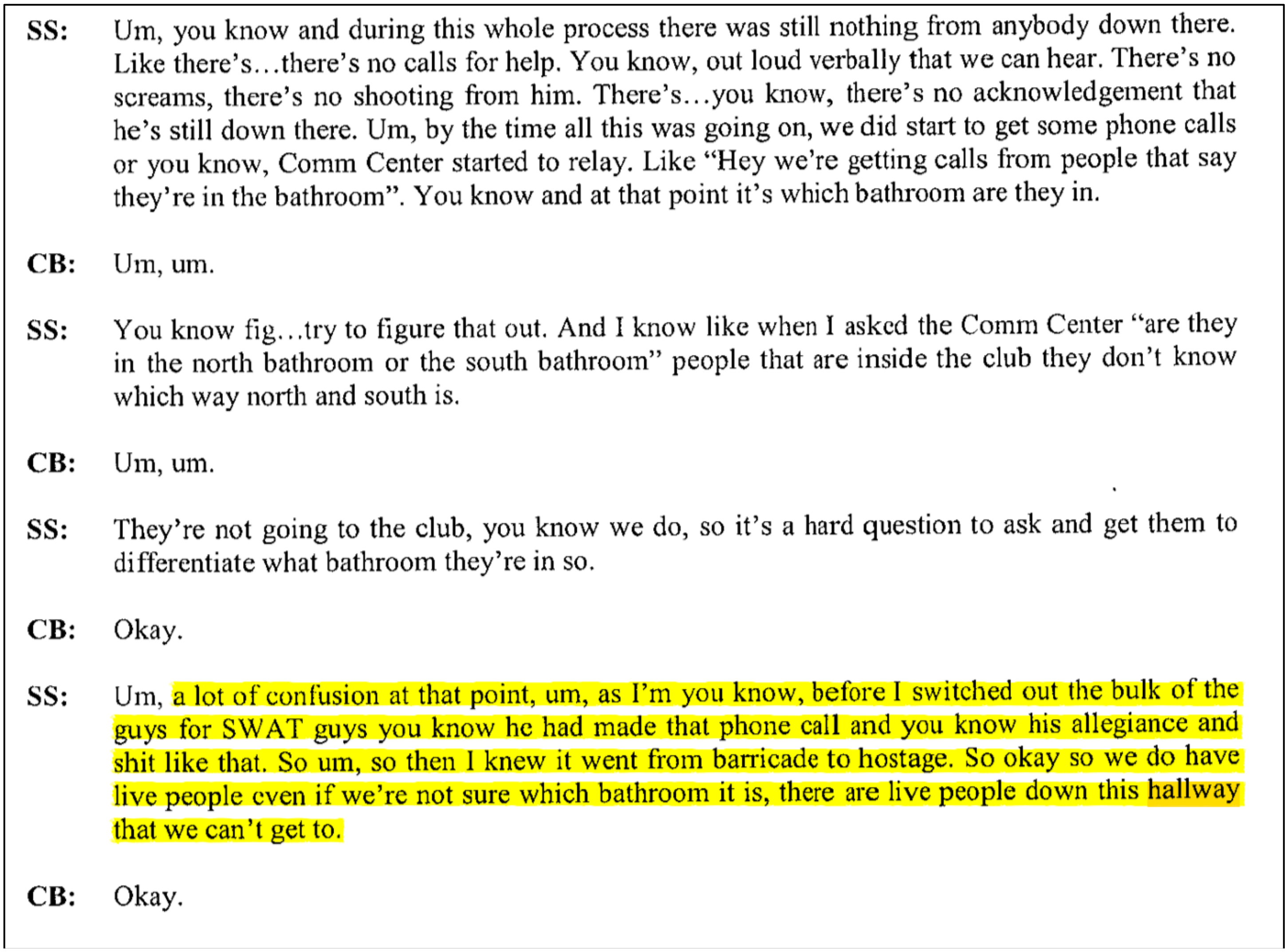
When the initial contact team entered the Adonis Room the only sources of light were the exit signs and television screens around the bar, the reflections of their flashlights in the mirrors, and the open emergency exit doors.[170] In focus groups with the assessment team, numerous officers said they could see neither down the long narrow hallway leading to the two dressing rooms and the emergency exit at the far end of the room nor down the hallway leading to the restroom where the suspect was contained with hostages.[171]

Without clear visuals and with incomplete information regarding the exact location of the suspect and hostages, SWAT officers determined it was too risky to conduct a direct assault and maintained their positions behind and around the bar, approximately 15 feet away from the entrance to the restroom where the suspect was contained. In addition, the lack of gunfire led officers to determine that the situation had transitioned from an active shooter to an armed barricaded suspect with hostages. While the suspect was contained, officers searched and secured the remainder of the Adonis Room, leading several patrons to safety.

Figure 54: Excerpt from page 54 of the Police Foundation report, "Rescue, Response, and Resilience." This passage again references the narrow hallways that interfered with rescue. Furthermore, this passage also references "without clear visuals and with incomplete information." Records show that "incomplete information" included the lack of access to building plans.

Confirming the Police Foundation Report, OPD reports also detail how hallways impaired the law enforcement response throughout the ordeal.

The following excerpt—taken from transcripts of an OPD internal investigation—documents the conversation had on June 17, 2016 between FDLE Special Agent Craig Beers and OPD Lieutenant Scott Smith. Smith detailed the difficulty of locating people trapped inside Pulse and mentioned that there were people still alive down a hallway that law enforcement was not able to get to.



SS: Um, you know and during this whole process there was still nothing from anybody down there. Like there's…there's no calls for help. You know, out loud verbally that we can hear. There's no screams, there's no shooting from him. There's…you know, there's no acknowledgement that he's still down there. Um, by the time all this was going on, we did start to get some phone calls or you know, Comm Center started to relay. Like "Hey we're getting calls from people that say they're in the bathroom". You know and at that point it's which bathroom are they in.

CB: Um, um.

SS: You know fig…try to figure that out. And I know like when I asked the Comm Center "are they in the north bathroom or the south bathroom" people that are inside the club they don't know which way north and south is.

CB: Um, um.

SS: They're not going to the club, you know we do, so it's a hard question to ask and get them to differentiate what bathroom they're in so.

CB: Okay.

SS: Um, a lot of confusion at that point, um, as I'm you know, before I switched out the bulk of the guys for SWAT guys you know he had made that phone call and you know his allegiance and shit like that. So um, so then I knew it went from barricade to hostage. So okay so we do have live people even if we're not sure which bathroom it is, there are live people down this hallway that we can't get to.

CB: Okay.

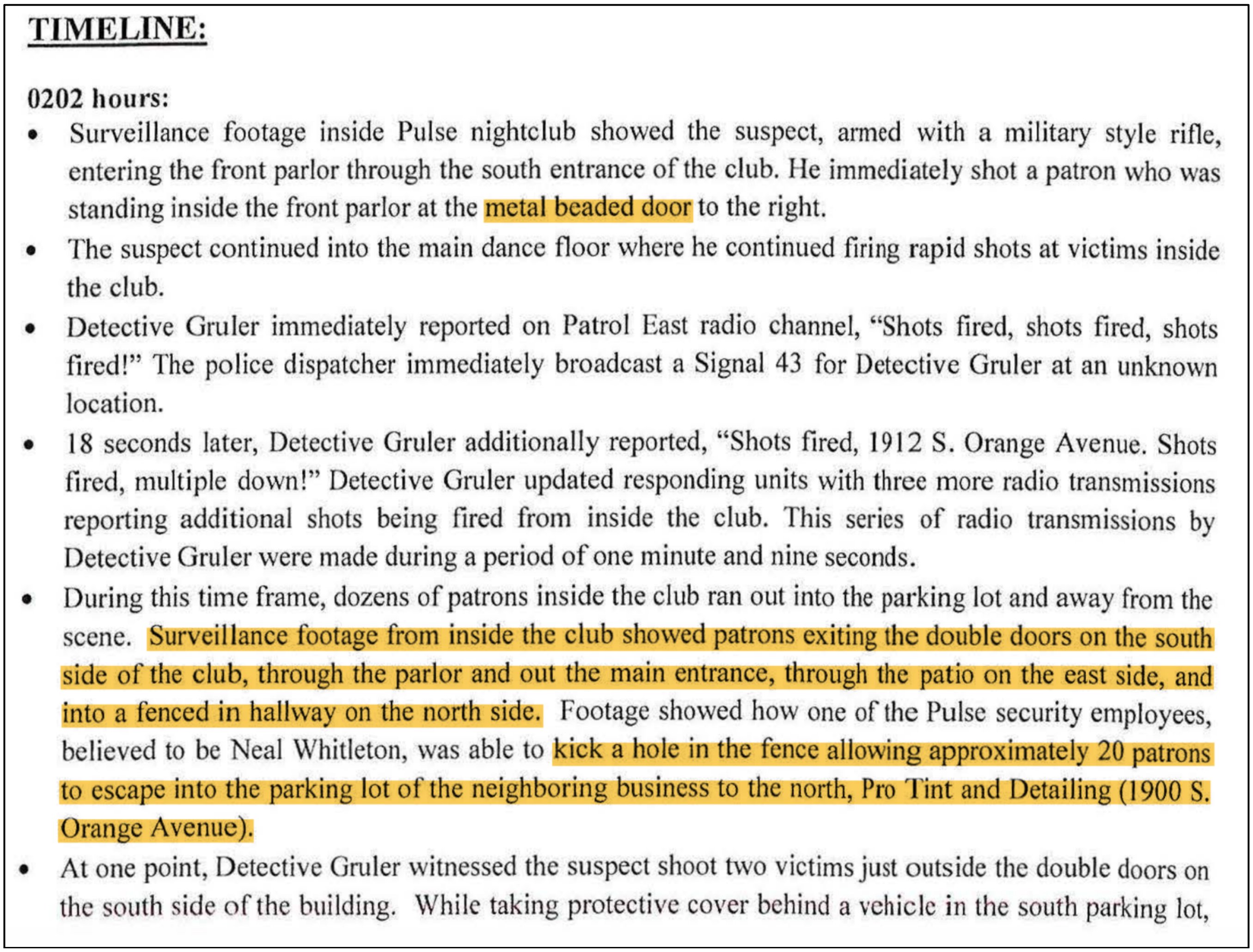
2.17 Beaded Curtains: Another Violation Impeding Escape and Rescue

Pulse owners never received a citation for the curtains hanging over interior doorways throughout the business that hid doors and the visibility of exits (see *Figure 13*, *Figure 16*, and *Figure 42*). These included the silver metal beaded curtains that hung in the doorways between the unpermitted reception area and hallway, which went unnoticed during routine fire inspections.

The Florida Fire Prevention Code states:

- **14.4.2.1** No furnishings, decorations, or other objects shall obstruct exits or their access thereto, egress therefrom, or visibility thereof.

Police reports released to the public on the Pulse Tragedy Public Records website note that when the shooter entered the building, he shot a patron in front of the beaded curtain, which would not have been immediately visible to patrons on the dance floor. The excerpt below also mentions that the unpermitted fence had to be kicked in to allow patrons to escape to safety (documented on surveillance footage) as they remained trapped on the property even after escaping the building's interior.

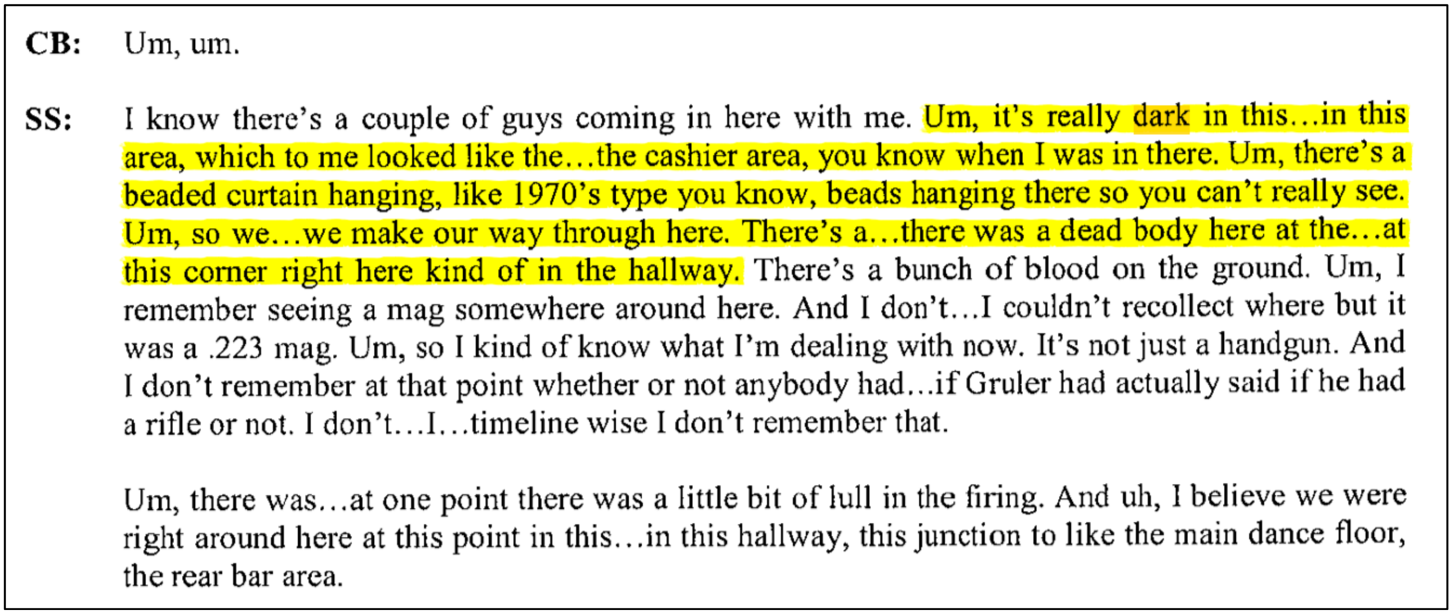


TIMELINE:

0202 hours:

- Surveillance footage inside Pulse nightclub showed the suspect, armed with a military style rifle, entering the front parlor through the south entrance of the club. He immediately shot a patron who was standing inside the front parlor at the metal beaded door to the right.
- The suspect continued into the main dance floor where he continued firing rapid shots at victims inside the club.
- Detective Gruler immediately reported on Patrol East radio channel, "Shots fired, shots fired, shots fired!" The police dispatcher immediately broadcast a Signal 43 for Detective Gruler at an unknown location.
- 18 seconds later, Detective Gruler additionally reported, "Shots fired, 1912 S. Orange Avenue. Shots fired, multiple down!" Detective Gruler updated responding units with three more radio transmissions reporting additional shots being fired from inside the club. This series of radio transmissions by Detective Gruler were made during a period of one minute and nine seconds.
- During this time frame, dozens of patrons inside the club ran out into the parking lot and away from the scene. Surveillance footage from inside the club showed patrons exiting the double doors on the south side of the club, through the parlor and out the main entrance, through the patio on the east side, and into a fenced in hallway on the north side. Footage showed how one of the Pulse security employees, believed to be Neal Whitleton, was able to kick a hole in the fence allowing approximately 20 patrons to escape into the parking lot of the neighboring business to the north, Pro Tint and Detailing (1900 S. Orange Avenue).
- At one point, Detective Gruler witnessed the suspect shoot two victims just outside the double doors on the south side of the building. While taking protective cover behind a vehicle in the south parking lot,

In transcripts from an OPD internal investigation (June 17, 2016), Lieutenant Scott Smith specific says that the “beaded curtain hanging” in the (unpermitted) “cashier area” were “hanging there so you can’t really see.” He also mentions a dead body in the adjacent unpermitted hallway.



CB: Um, um.

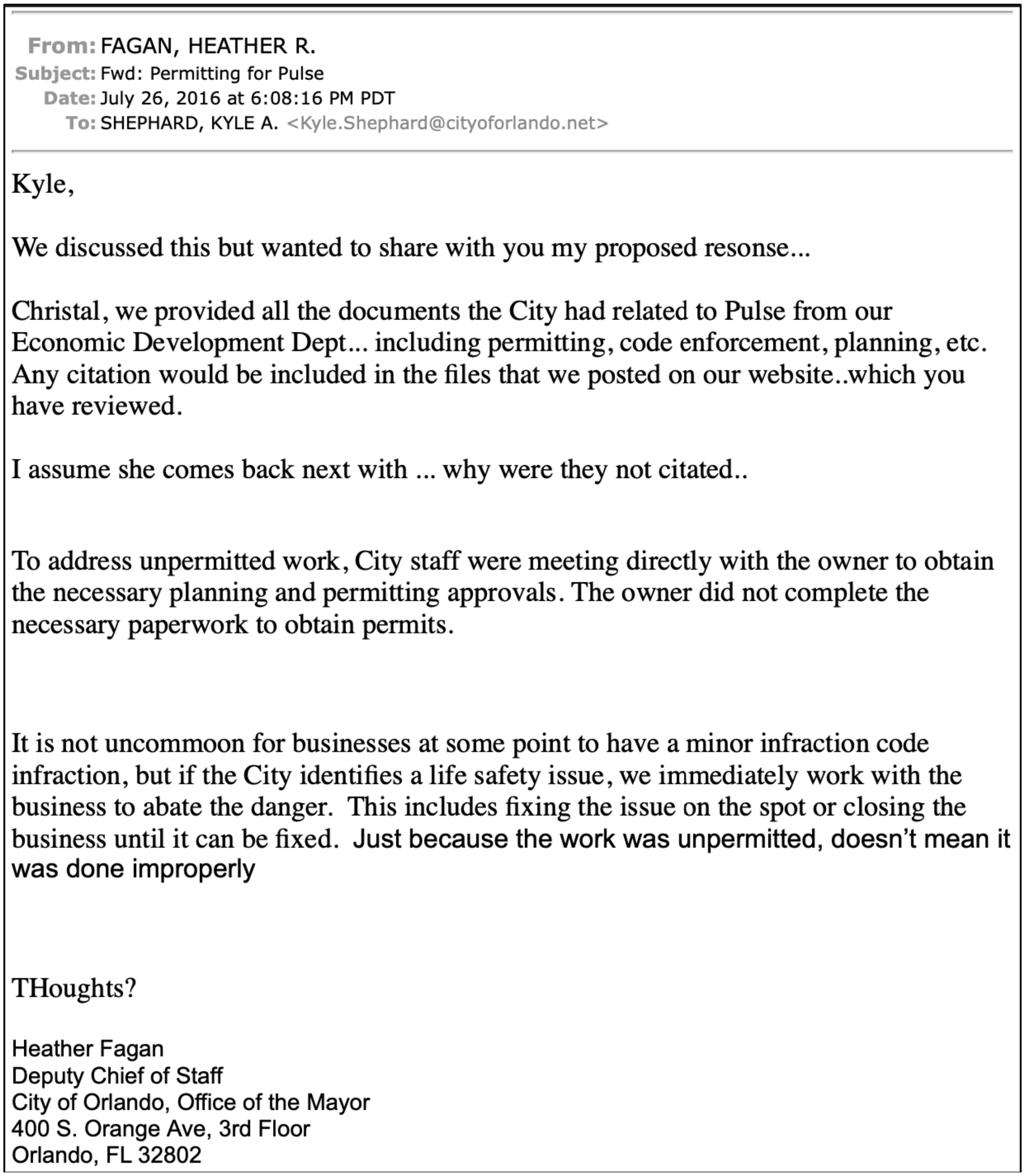
SS: I know there’s a couple of guys coming in here with me. Um, it’s really dark in this…in this area, which to me looked like the…the cashier area, you know when I was in there. Um, there’s a beaded curtain hanging, like 1970’s type you know, beads hanging there so you can’t really see. Um, so we…we make our way through here. There’s a…there was a dead body here at the…at this corner right here kind of in the hallway. There’s a bunch of blood on the ground. Um, I remember seeing a mag somewhere around here. And I don’t…I couldn’t recollect where but it was a .223 mag. Um, so I kind of know what I’m dealing with now. It’s not just a handgun. And I don’t remember at that point whether or not anybody had…if Gruler had actually said if he had a rifle or not. I don’t…I…timeline wise I don’t remember that.

Um, there was…at one point there was a little bit of lull in the firing. And uh, I believe we were right around here at this point in this…in this hallway, this junction to like the main dance floor, the rear bar area.

2.18 Media Inquiries About Unpermitted Work

Heather Fagan (Deputy Chief of Staff for the Office of the Mayor) and Kyle A. Shephard (Intergovernmental Relations for the Office of the Mayor), developed a strategy for answering media inquiries about the unpermitted work at Pulse through email.

The email below was obtained through an individual public records request and states, “The owner did not complete the necessary paperwork to obtain permits.”



From: FAGAN, HEATHER R.
Subject: Fwd: Permitting for Pulse
Date: July 26, 2016 at 6:08:16 PM PDT
To: SHEPHARD, KYLE A. <Kyle.Shephard@cityoforlando.net>

Kyle,

We discussed this but wanted to share with you my proposed resonse...

Christal, we provided all the documents the City had related to Pulse from our Economic Development Dept... including permitting, code enforcement, planning, etc. Any citation would be included in the files that we posted on our website..which you have reviewed.

I assume she comes back next with ... why were they not citated..

To address unpermitted work, City staff were meeting directly with the owner to obtain the necessary planning and permitting approvals. The owner did not complete the necessary paperwork to obtain permits.

It is not uncommoon for businesses at some point to have a minor infraction code infraction, but if the City identifies a life safety issue, we immediately work with the business to abate the danger. This includes fixing the issue on the spot or closing the business until it can be fixed. Just because the work was unpermitted, doesn’t mean it was done improperly

THoughts?

Heather Fagan
Deputy Chief of Staff
City of Orlando, Office of the Mayor
400 S. Orange Ave, 3rd Floor
Orlando, FL 32802

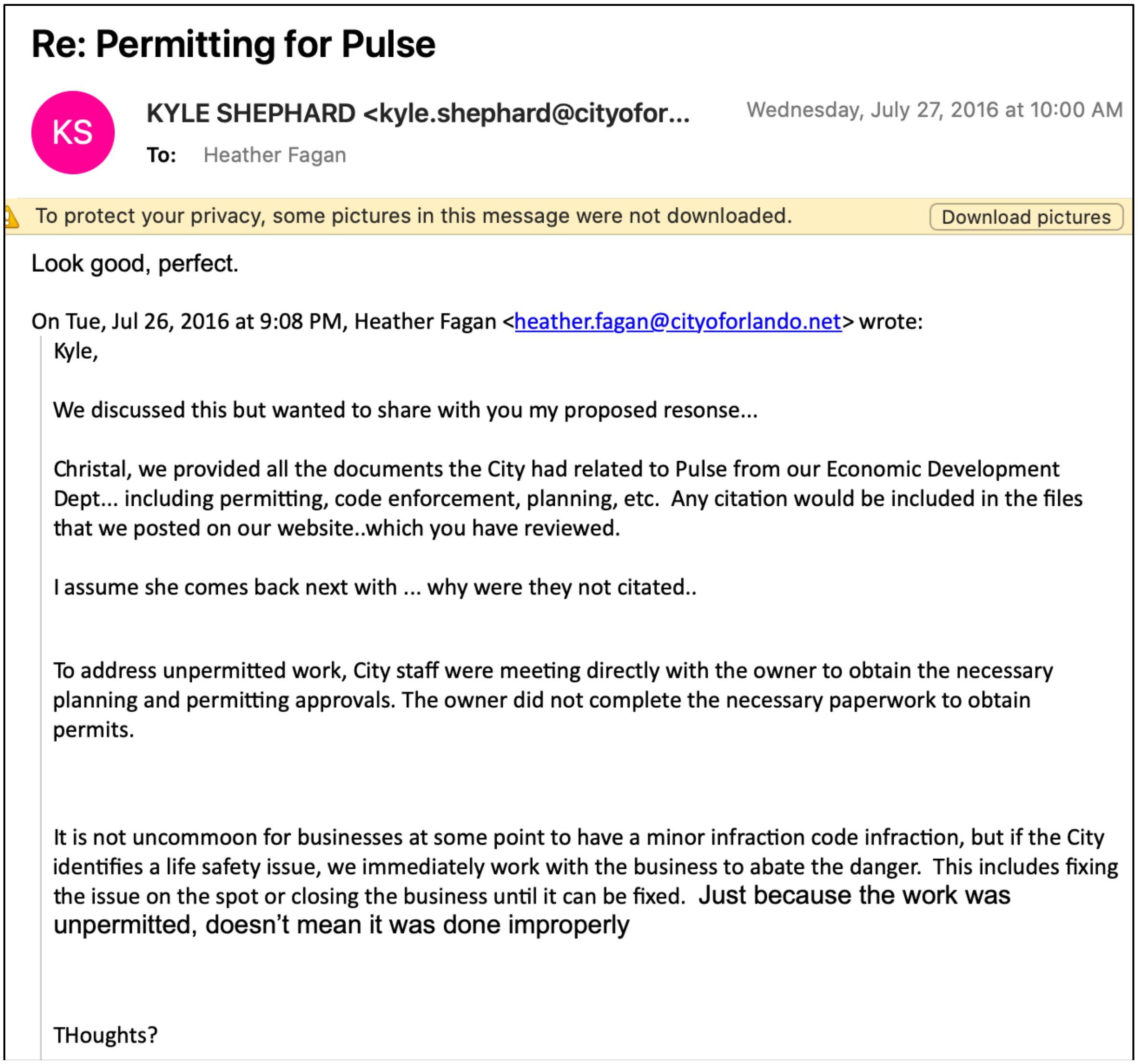
As shown in previous emails between Heather Fagan and Kyle Shephard (see *2.15 The Orlando Sentinel Reports on Exits and the Unpermitted Fence*), they provided inaccurate and mischaracterizing information regarding the unpermitted work done at Pulse.

First, all permitting, code enforcement, and planning documents from the Economic Development Department were not (and still have not) been released to the public. Many of the documents included in this report were obtained through individual requests for public records.

Second, infractions at Pulse were not "minor" and included significant interior and exterior modifications. Many of these are listed in section _2.8 Unpermitted Floor Plans_.

Third, Life Safety Issues were never assessed by the City of Orlando because permits were never pulled and the unpermiited work was never inspected. Records show that the installation of required Life Safety Features was even cancelled by the Orlando Fire Department in 2010 under the instruction of Timothy Johnson (Permitting Services), who also claimed that new floorplan did not have to be submitted to OFD despite the known unpermitted renovations and lack of building inspections (see _4.8 Orlando Fire Department vs. Permitting Services_).

The following email shows Kyle Shephard's response and approval of the inaccurate messaging:



Re: Permitting for Pulse

KYLE SHEPHARD <kyle.shephard@cityofor... Wednesday, July 27, 2016 at 10:00 AM

To: Heather Fagan

To protect your privacy, some pictures in this message were not downloaded.
Download pictures

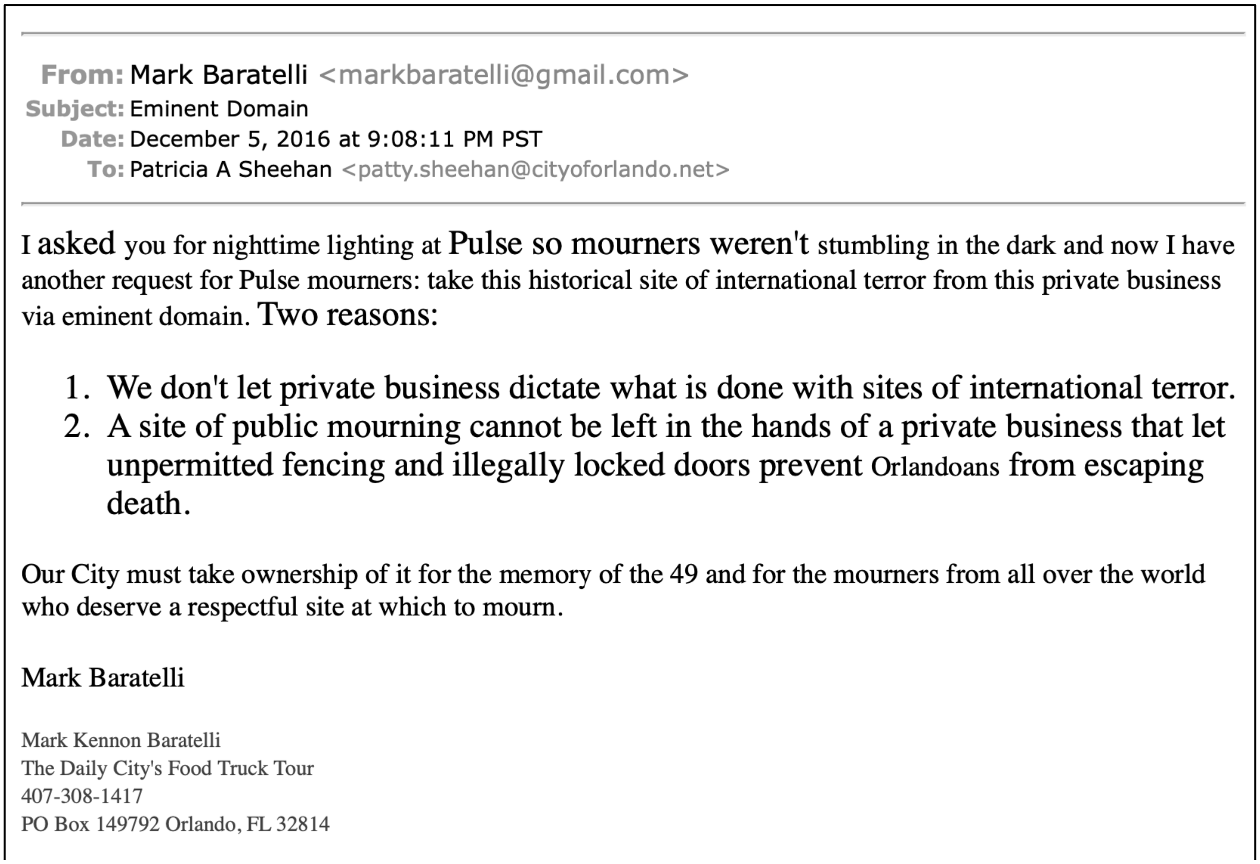
Look good, perfect.

On Tue, Jul 26, 2016 at 9:08 PM, Heather Fagan <heather.fagan@cityoforlando.net> wrote:

> Kyle,
>
> We discussed this but wanted to share with you my proposed resonse...
>
> Christal, we provided all the documents the City had related to Pulse from our Economic Development Dept... including permitting, code enforcement, planning, etc. Any citation would be included in the files that we posted on our website..which you have reviewed.
>
> I assume she comes back next with ... why were they not citated..
>
> To address unpermitted work, City staff were meeting directly with the owner to obtain the necessary planning and permitting approvals. The owner did not complete the necessary paperwork to obtain permits.
>
> It is not uncommoon for businesses at some point to have a minor infraction code infraction, but if the City identifies a life safety issue, we immediately work with the business to abate the danger. This includes fixing the issue on the spot or closing the business until it can be fixed. Just because the work was unpermitted, doesn't mean it was done improperly
>
> THoughts?

2.19 Citizens Questioned Impact of Unpermitted Renovations

In emails obtained through individual public records requests, at least one other citizen inquired about the unpermitted renovations and their impediment on the escape of Pulse victims. These were written months after the shooting in 2016.



From: Mark Baratelli <markbaratelli@gmail.com>
Subject: Eminent Domain
Date: December 5, 2016 at 9:08:11 PM PST
To: Patricia A Sheehan <patty.sheehan@cityoforlando.net>

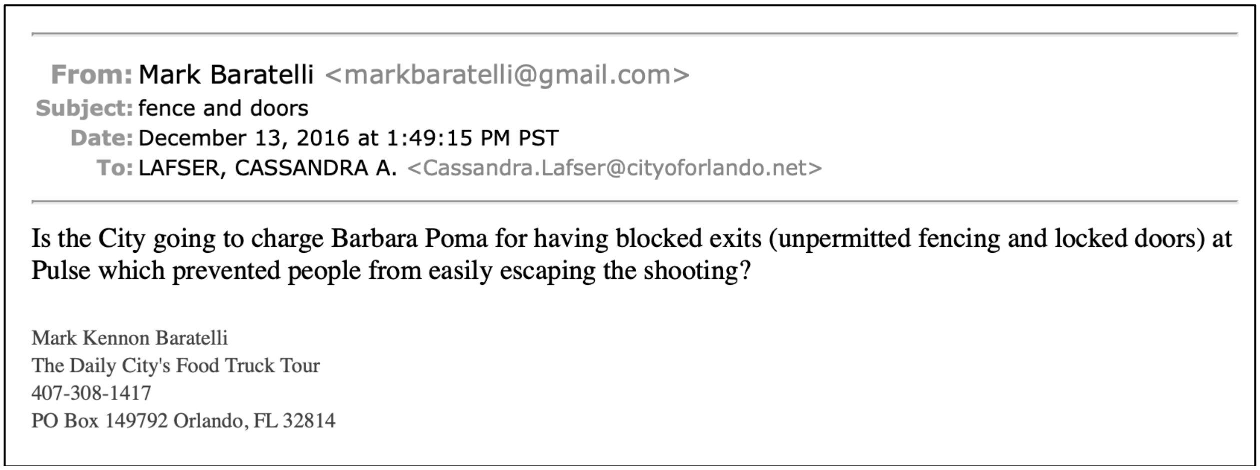
I asked you for nighttime lighting at Pulse so mourners weren't stumbling in the dark and now I have another request for Pulse mourners: take this historical site of international terror from this private business via eminent domain. Two reasons:

1. We don't let private business dictate what is done with sites of international terror.
2. A site of public mourning cannot be left in the hands of a private business that let unpermitted fencing and illegally locked doors prevent Orlandoans from escaping death.

Our City must take ownership of it for the memory of the 49 and for the mourners from all over the world who deserve a respectful site at which to mourn.

Mark Baratelli

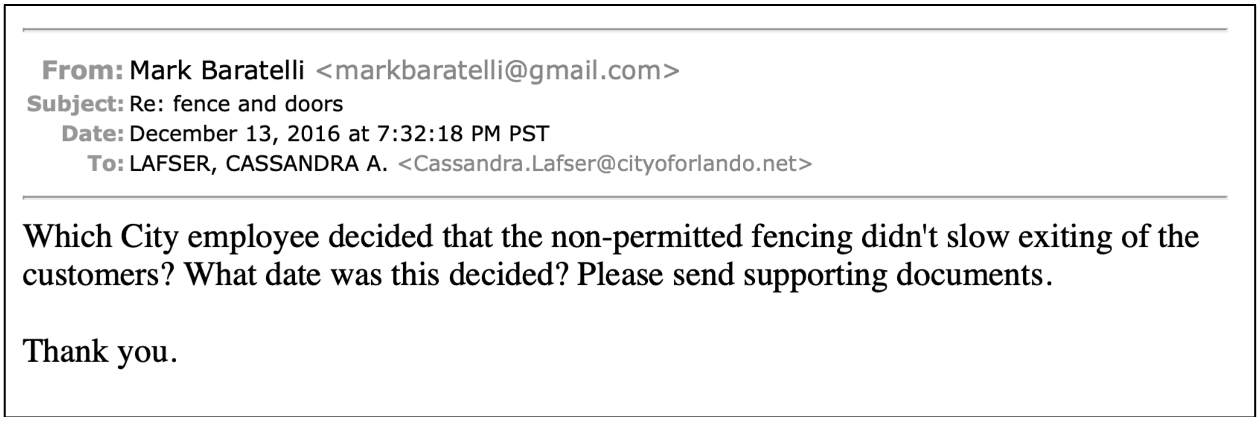
Mark Kennon Baratelli
The Daily City's Food Truck Tour
407-308-1417
PO Box 149792 Orlando, FL 32814



From: Mark Baratelli <markbaratelli@gmail.com>
Subject: fence and doors
Date: December 13, 2016 at 1:49:15 PM PST
To: LAFSER, CASSANDRA A. <Cassandra.Lafser@cityoforlando.net>

Is the City going to charge Barbara Poma for having blocked exits (unpermitted fencing and locked doors) at Pulse which prevented people from easily escaping the shooting?

Mark Kennon Baratelli
The Daily City's Food Truck Tour
407-308-1417
PO Box 149792 Orlando, FL 32814



From: Mark Baratelli <markbaratelli@gmail.com>
Subject: Re: fence and doors
Date: December 13, 2016 at 7:32:18 PM PST
To: LAFSER, CASSANDRA A. <Cassandra.Lafser@cityoforlando.net>

Which City employee decided that the non-permitted fencing didn't slow exiting of the customers? What date was this decided? Please send supporting documents.

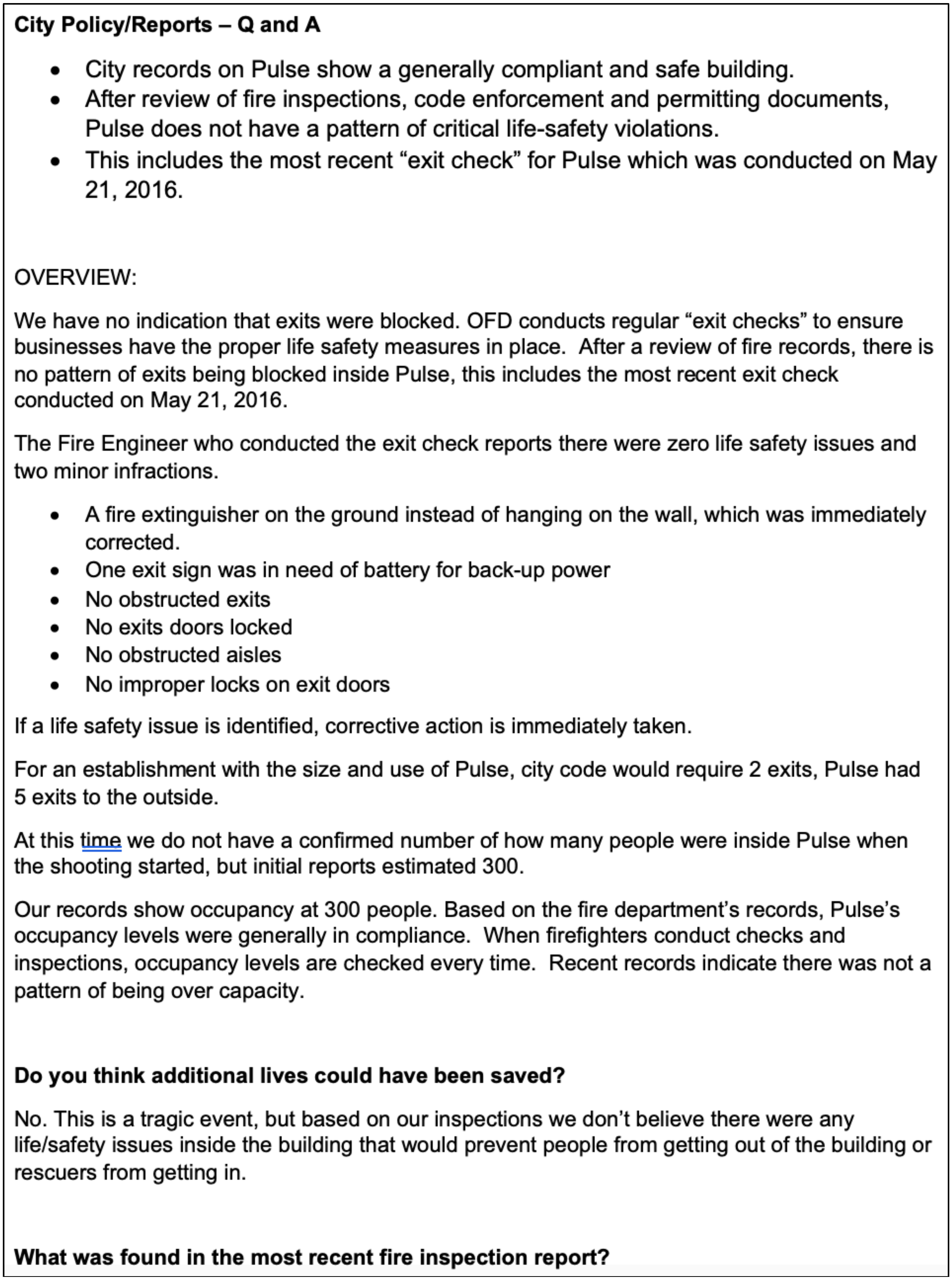
Thank you.

2.20 City of Orlando's Q&A Document

City officials circulated the following question and answer document internally in late June 2016, which we obtained through individual public record requests. The following document is further evidence that Pulse owners Rosario Poma and Barbara Poma never completed paperwork to obtain permits. It also states that the City of Orlando only found out about the unpermitted work after it was done, however records show the City went out to Pulse while work was being done (see false fire alarm caused by dust from grinding marble in *4.8 Orlando Fire Department vs. Permitting Services*). It is also evidence that city officials circulated inaccurate information on longstanding violations at Pulse that is directly contradicted by the records supplied in this report. For example:

City's Q&A Document Says:	Records Say:
City records show "a generally compliant and safe building."	City records show unpermitted renovations, an unpermitted fence, and a business operating in violation of its CUP. City records also show incomplete and non-existing inspections, along with reporting errors/mistakes.
"Pulse does not have a pattern of critical life-safety issues."	Unpermitted renovations were never inspected by the City to ascertain life safety issues (this includes electrical and plumbing work done as part of the unpermitted interior modifications).
"No obstructed aisles"	Photos show an "exit route" full of trash cans and clearly obstructed (see Figure 35).
"No exit doors locked" "No improper locks on exit doors."	The OFD never followed up on the company inspection that found an inoperable exit door before the shooting (see *5.7 "Exit Door or Hardware Inoperable"*). An exit check done by the OFD six days earlier, found the same thing but after the shooting OFD claimed this was a reporting error. Additionally, a first responder mentions a locked door that led to the outside in transcripts (see *5.7: Blocked, Locked, and Improperly Functioning Doors and Obstructed Exits*).
Pulse "had 5 exits to the outside"	Reporting from the *Orlando Sentinel* and photos show why this statement is problematic; some doors led to areas completely enclosed by an unpermitted fence.
People were not prevented "from getting out of the building or rescuers from getting in"	Records throughout this report show that this is an untrue statement.
"There was no pattern of being over capacity"	Records show a pattern of the nightclub being over capacity (see *4.2 Repeat Occupancy Violations and Notices*)
"Fluctuations in occupancy levels never occurred"	Records show multiple changes in occupancy loads (see *4.10 Varying Occupancy Loads*), including (but not limited to): 1. In 2003, the occupancy load was 223 (according to original floor plans). 2. On January 19, 2005, it was changed to 299. 3. On April 3, 2009, it was changed to 430. 4. On May 26, 2009, it was changed to 360. 5. On January 1, 2015, it was changed to 300.

Below are screenshots of the “Q and A” document, which was attached to city emails as a Word Document file:



City Policy/Reports – Q and A

- City records on Pulse show a generally compliant and safe building.
- After review of fire inspections, code enforcement and permitting documents, Pulse does not have a pattern of critical life-safety violations.
- This includes the most recent “exit check” for Pulse which was conducted on May 21, 2016.

OVERVIEW:

We have no indication that exits were blocked. OFD conducts regular “exit checks” to ensure businesses have the proper life safety measures in place. After a review of fire records, there is no pattern of exits being blocked inside Pulse, this includes the most recent exit check conducted on May 21, 2016.

The Fire Engineer who conducted the exit check reports there were zero life safety issues and two minor infractions.

- A fire extinguisher on the ground instead of hanging on the wall, which was immediately corrected.
- One exit sign was in need of battery for back-up power
- No obstructed exits
- No exits doors locked
- No obstructed aisles
- No improper locks on exit doors

If a life safety issue is identified, corrective action is immediately taken.

For an establishment with the size and use of Pulse, city code would require 2 exits, Pulse had 5 exits to the outside.

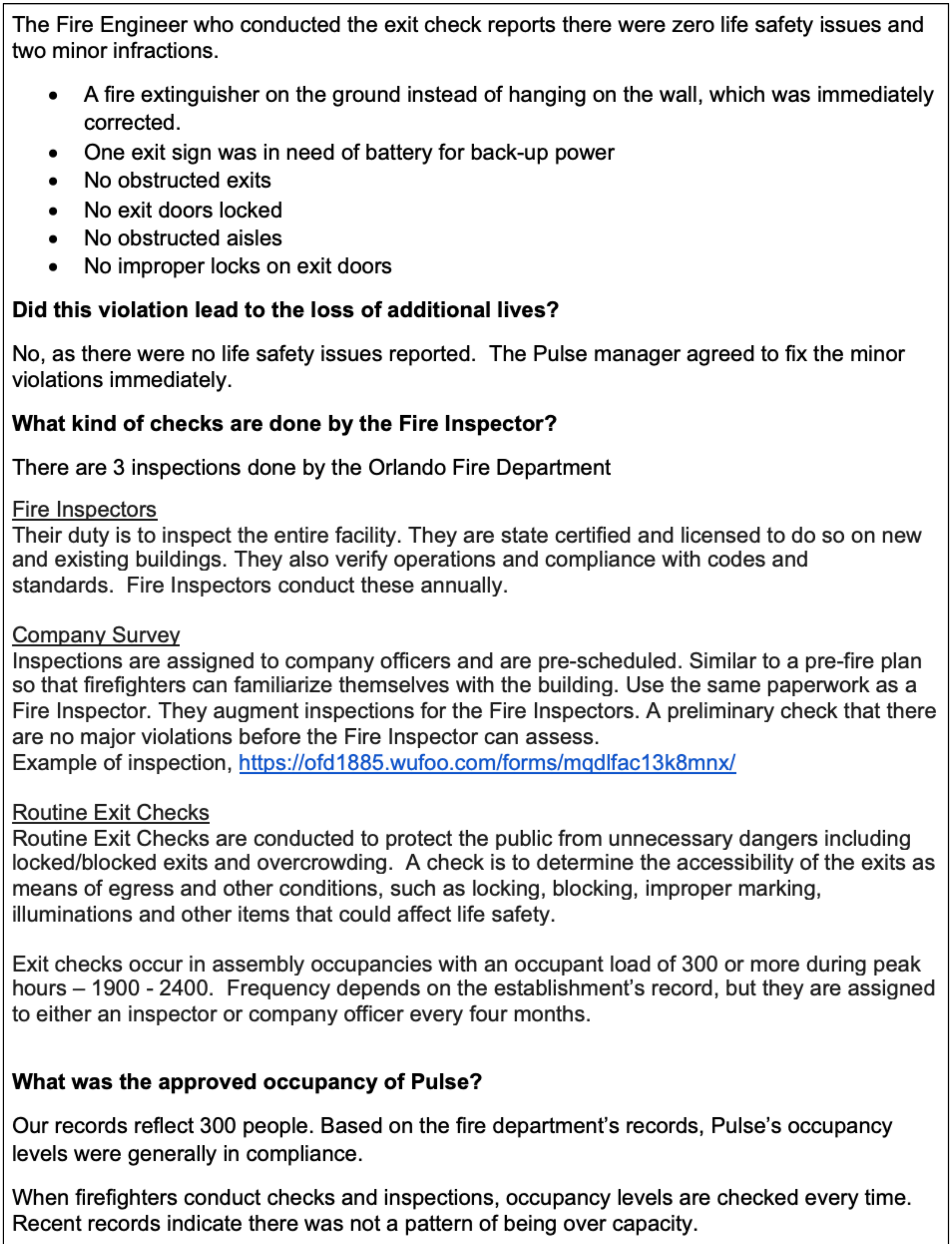
At this time we do not have a confirmed number of how many people were inside Pulse when the shooting started, but initial reports estimated 300.

Our records show occupancy at 300 people. Based on the fire department’s records, Pulse’s occupancy levels were generally in compliance. When firefighters conduct checks and inspections, occupancy levels are checked every time. Recent records indicate there was not a pattern of being over capacity.

Do you think additional lives could have been saved?

No. This is a tragic event, but based on our inspections we don’t believe there were any life/safety issues inside the building that would prevent people from getting out of the building or rescuers from getting in.

What was found in the most recent fire inspection report?



The Fire Engineer who conducted the exit check reports there were zero life safety issues and two minor infractions.

- A fire extinguisher on the ground instead of hanging on the wall, which was immediately corrected.
- One exit sign was in need of battery for back-up power
- No obstructed exits
- No exit doors locked
- No obstructed aisles
- No improper locks on exit doors

Did this violation lead to the loss of additional lives?

No, as there were no life safety issues reported. The Pulse manager agreed to fix the minor violations immediately.

What kind of checks are done by the Fire Inspector?

There are 3 inspections done by the Orlando Fire Department

Fire Inspectors
Their duty is to inspect the entire facility. They are state certified and licensed to do so on new and existing buildings. They also verify operations and compliance with codes and standards. Fire Inspectors conduct these annually.

Company Survey
Inspections are assigned to company officers and are pre-scheduled. Similar to a pre-fire plan so that firefighters can familiarize themselves with the building. Use the same paperwork as a Fire Inspector. They augment inspections for the Fire Inspectors. A preliminary check that there are no major violations before the Fire Inspector can assess.
Example of inspection, https://ofd1885.wufoo.com/forms/mqdlfac13k8mnx/

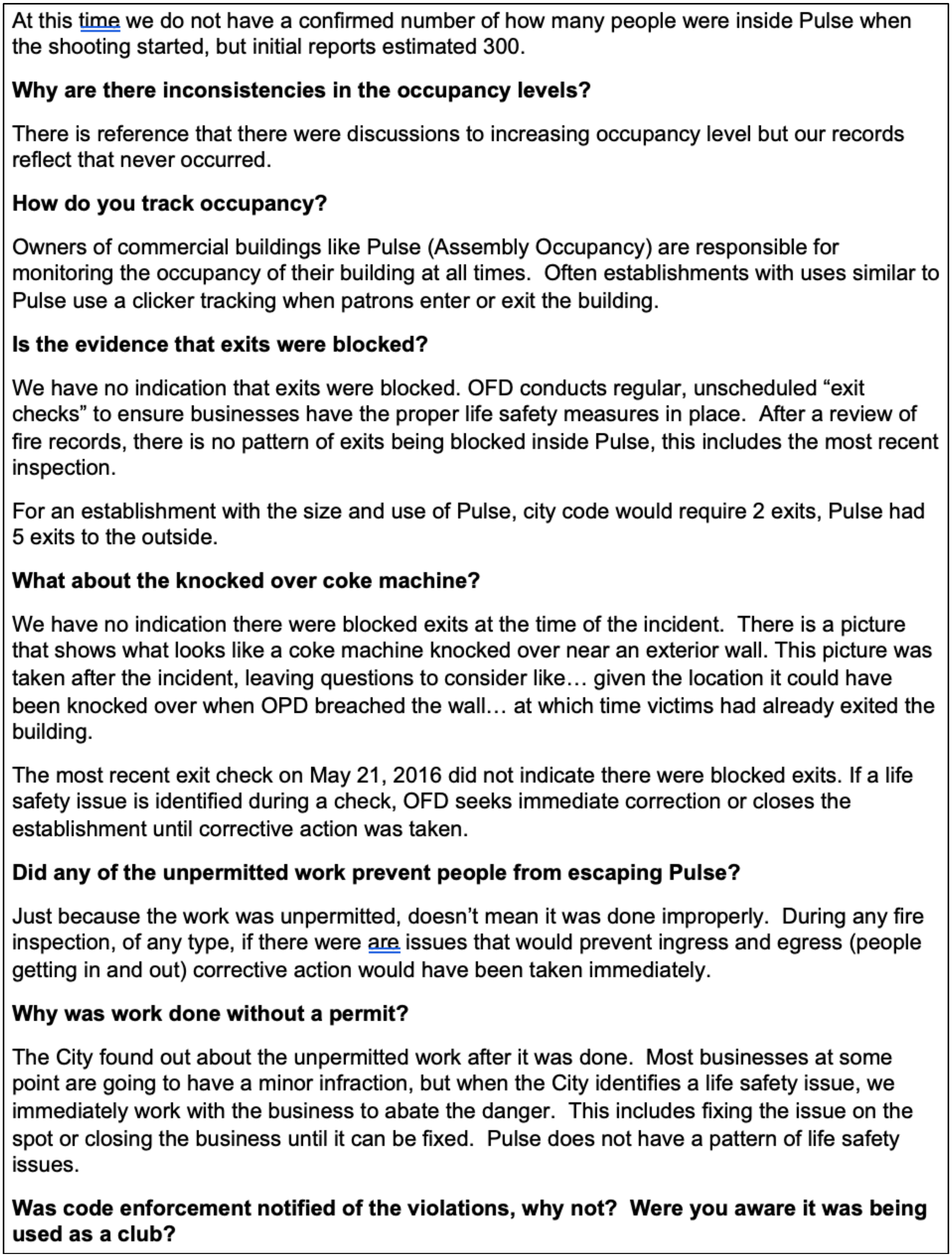
Routine Exit Checks
Routine Exit Checks are conducted to protect the public from unnecessary dangers including locked/blocked exits and overcrowding. A check is to determine the accessibility of the exits as means of egress and other conditions, such as locking, blocking, improper marking, illuminations and other items that could affect life safety.

Exit checks occur in assembly occupancies with an occupant load of 300 or more during peak hours – 1900 - 2400. Frequency depends on the establishment's record, but they are assigned to either an inspector or company officer every four months.

What was the approved occupancy of Pulse?

Our records reflect 300 people. Based on the fire department's records, Pulse's occupancy levels were generally in compliance.

When firefighters conduct checks and inspections, occupancy levels are checked every time. Recent records indicate there was not a pattern of being over capacity.



At this time we do not have a confirmed number of how many people were inside Pulse when the shooting started, but initial reports estimated 300.

Why are there inconsistencies in the occupancy levels?

There is reference that there were discussions to increasing occupancy level but our records reflect that never occurred.

How do you track occupancy?

Owners of commercial buildings like Pulse (Assembly Occupancy) are responsible for monitoring the occupancy of their building at all times. Often establishments with uses similar to Pulse use a clicker tracking when patrons enter or exit the building.

Is the evidence that exits were blocked?

We have no indication that exits were blocked. OFD conducts regular, unscheduled "exit checks" to ensure businesses have the proper life safety measures in place. After a review of fire records, there is no pattern of exits being blocked inside Pulse, this includes the most recent inspection.

For an establishment with the size and use of Pulse, city code would require 2 exits, Pulse had 5 exits to the outside.

What about the knocked over coke machine?

We have no indication there were blocked exits at the time of the incident. There is a picture that shows what looks like a coke machine knocked over near an exterior wall. This picture was taken after the incident, leaving questions to consider like… given the location it could have been knocked over when OPD breached the wall… at which time victims had already exited the building.

The most recent exit check on May 21, 2016 did not indicate there were blocked exits. If a life safety issue is identified during a check, OFD seeks immediate correction or closes the establishment until corrective action was taken.

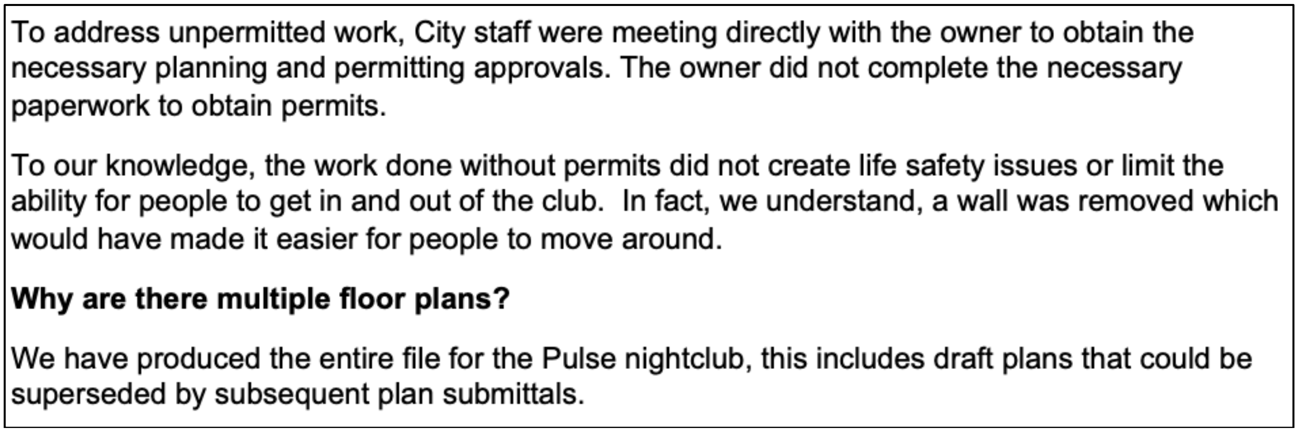
Did any of the unpermitted work prevent people from escaping Pulse?

Just because the work was unpermitted, doesn't mean it was done improperly. During any fire inspection, of any type, if there were are issues that would prevent ingress and egress (people getting in and out) corrective action would have been taken immediately.

Why was work done without a permit?

The City found out about the unpermitted work after it was done. Most businesses at some point are going to have a minor infraction, but when the City identifies a life safety issue, we immediately work with the business to abate the danger. This includes fixing the issue on the spot or closing the business until it can be fixed. Pulse does not have a pattern of life safety issues.

Was code enforcement notified of the violations, why not? Were you aware it was being used as a club?



To address unpermitted work, City staff were meeting directly with the owner to obtain the necessary planning and permitting approvals. The owner did not complete the necessary paperwork to obtain permits.

To our knowledge, the work done without permits did not create life safety issues or limit the ability for people to get in and out of the club. In fact, we understand, a wall was removed which would have made it easier for people to move around.

Why are there multiple floor plans?

We have produced the entire file for the Pulse nightclub, this includes draft plans that could be superseded by subsequent plan submittals.

Key Takeaways

The following are key takeaways from the available records pertaining to Pulse's unpermitted renovations:

1. Records show that significant unpermitted renovations were done to both the interior and exterior of Pulse between 2008 and 2010. Furthermore, the City of Orlando was well aware that there were unpermitted renovations and never brought the nightclub into compliance.

2. All hallways, included the "narrow hallways" which were cited by both survivors and in the Police Foundation (DOJ) report, were built without permits and were never inspected to ensure their compliance with building code.

3. The fence enclosing the patio bar and other areas of the property was unpermitted and in violation of city codes. The six-foot-tall vinyl fence had to be jumped over, busted open, and knocked down in order for survivors to escape to safety. Dead bodies and injured survivors were found trapped in these fenced-in areas.

4. The second-floor office/DJ booth does not appear on any of the available floor plans, even those provided to authorities and the City of Orlando before and after the shooting. Photos taken after the shooting show the second floor was accessed by a metal ladder from inside the kitchenette that was also renovated without permits—in violation of city code.

5. Pulse owners were mandated by the City of Orlando to have 15% of the building facing the street be made of transparent materials (windows). These windows were boarded up and covered, with the exterior wall facing the street also covered by the outdoor patio bar's liquor shelf. At least one survivor interviewed in the aftermath of the shooting noted the lack of windows and exit doors in the building.[13]

6. The dance floor, where most victims were shot, was against code and in violation of Pulse's conditional use permit. The City required owners to remove the dance floor, but this stipulation was never enforced by the City of Orlando and was actually ignored for nearly the entire lifespan of the business. The business passed years of fire inspections with the dance floor, stage, unpermitted renovations, changes to the floorplan, and numerous other violations.

7. The City of Orlando failed to enforce its codes and laws, allowing Pulse to operate in violation of its conditional use permit and with unpermitted work done to both the interior and exterior of the property; even with known violations. Although city officials met with Rosario Poma about the numerous issues at the Pulse nightclub, for over 6 years they never issued a citation, closed down the nightclub, or ensured that the nightclub was brought into compliance. We believe that this failure to act represents a breach in the duty of care, and therefore, is an example of negligence in part of the City of Orlando. We also believe that the

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[13] https://www.youtube.com/watch?v=VYq6UvYSaaY&t=54s

evidence shows that the City of Orlando is partly responsible for the tragic outcome of the shooting at Pulse, which left 49 murdered and 53 wounded by gunfire.

8. There are no records that show that the City of Orlando ever inspected or fully documented the scope of interior modifications and unpermitted renovations at Pulse, even after they were given updated floor plans that showed significant interior modifications were done illegally without the proper permits.

9. The City of Orlando has not released all documentation relevant to the issue of Pulse's unpermitted renovations and other violations. Furthermore, in the aftermath of the shooting, city officials distributed incorrect information discredited by the City's own public records contained in this report.

10. We believe that the law protects Pulse victims from the illegal business decisions made by Pulse owners Rosario Poma and Barbara Poma, such as the unpermitted renovations and operating a nightclub in violation of the business's approved use (per its conditional use permit).

11. These issues bring to mind the Station Night Club Fire in Rhode Island (2003) which was, like Pulse, also changed from a restaurant to a Club with unpermitted renovations. That case ended in criminal negligence and involuntary manslaughter charges against the owner.

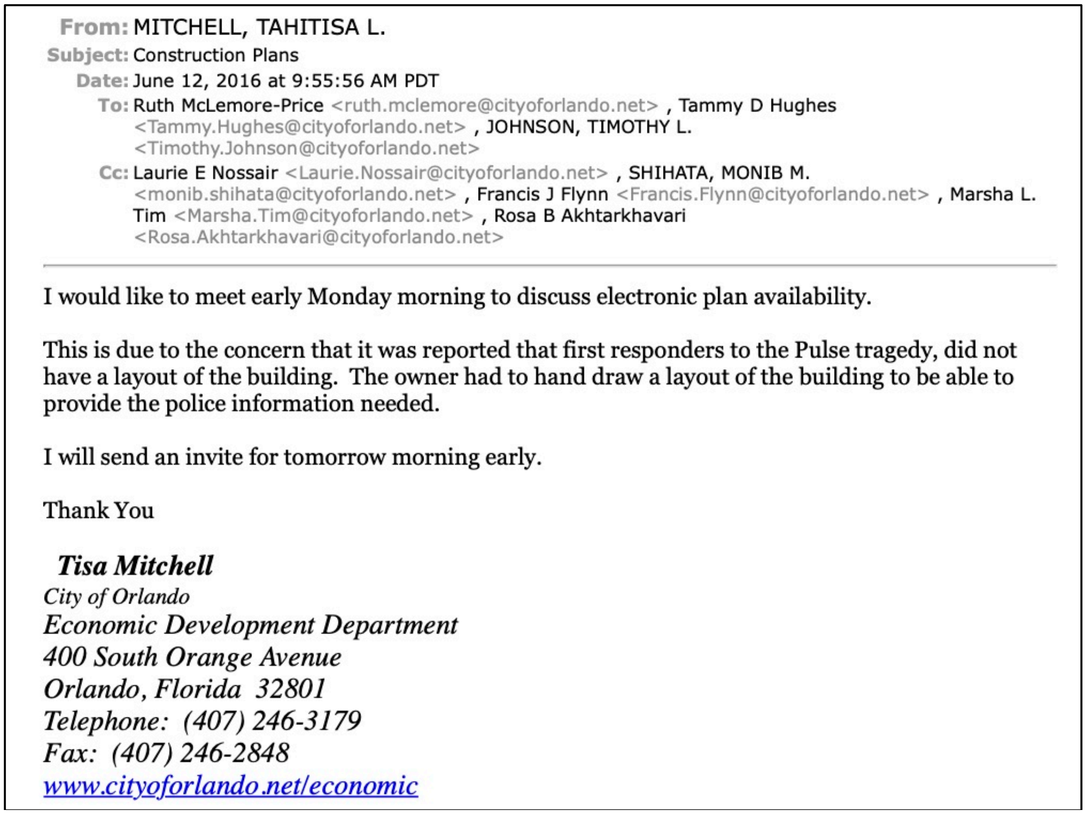
Part III: Plans Availability During Shooting

3.1 Email from Tisa Mitchell, "…first responders… did not have a layout of the building."

On June 12, 2016 (the day of the shooting) at 4:34 PM, Tisa Mitchell, Fiscal Manager of the City of Orlando's Economic Development department, sent an email requesting a meeting due "to the concern that it was reported that first responders to the Pulse tragedy, did not have a layout of the building.

According to the email, the "owner" had to hand draw a layout of the building to be able to provide the police information needed." Survivors have identified an employee of the Poma's who drove to the scene and helped first responders draw a layout of the building during the shooting.

We know that co-owner Barbara Poma was vacationing in Mexico with her daughter and was not in Orlando when the shooting took place.[14]



From: MITCHELL, TAHITISA L.
Subject: Construction Plans
Date: June 12, 2016 at 9:55:56 AM PDT
To: Ruth McLemore-Price <ruth.mclemore@cityoforlando.net> , Tammy D Hughes <Tammy.Hughes@cityoforlando.net> , JOHNSON, TIMOTHY L. <Timothy.Johnson@cityoforlando.net>
Cc: Laurie E Nossair <Laurie.Nossair@cityoforlando.net> , SHIHATA, MONIB M. <monib.shihata@cityoforlando.net> , Francis J Flynn <Francis.Flynn@cityoforlando.net> , Marsha L. Tim <Marsha.Tim@cityoforlando.net> , Rosa B Akhtarkhavari <Rosa.Akhtarkhavari@cityoforlando.net>

I would like to meet early Monday morning to discuss electronic plan availability.

This is due to the concern that it was reported that first responders to the Pulse tragedy, did not have a layout of the building. The owner had to hand draw a layout of the building to be able to provide the police information needed.

I will send an invite for tomorrow morning early.

Thank You

Tisa Mitchell
City of Orlando
Economic Development Department
400 South Orange Avenue
Orlando, Florida 32801
Telephone: (407) 246-3179
Fax: (407) 246-2848
www.cityoforlando.net/economic

Figure 55:Email from Tisa Mitchell asking for a meeting to discuss the issue of building plans not being available to first responders during the shooting at Pulse on June 12, 2016. This email was obtained through an individual public records request. We requested (but has not yet received) meeting minutes and all documentation related to this meeting.

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[14] https://www.adweek.com/brand-marketing/how-do-businesses-like-pulse-and-walmart-recover-after-a-mass-shooter-destroys-everything/

3.2 No Building Layout: Chaos and Confusion Among First Responders

First-hand accounts show that first responders did not have access to official and accurate building plans of Pulse. They scrambled to find them, turned up empty handed, and spent valuable time during the active shooting to re-create by hand and on wet paper.

SWAT teams then had to rely on these hand-drawn building plans crafted on the scene utilizing information from observation, victims inside the club, and knowledge from an employee—who some first responders may have misidentified as "the owner."[15]

As of April 28, 2020, the only record released to the public that contained any mention of plans not being available to law enforcement during the shooting, was a "Supplemental Report" with the filename "Supplemental-Reports-1-52-For-Website.pdf" that was posted on the Pulse Tragedy Public Records website on September 1, 2016.[16]

This 111-page document contained only a few sentences mentioning building plans were not available and the layout had to be drawn by hand. These few sentences are provided below, in which OPD Officer Luke Austin states:

"Once I was at the command post, I was able to ascertain that one of the people worked at Pulse and knew the layout of the building. Also, they knew their friend was located in the female bathroom. This same individual (NOI) was able to provide a diagram of the interior of the club and was able to pinpoint exactly where the female bathroom was in terms of the door ways and large dance floor [redaction]. I drew the map of the interior of the club and provided this to Captain Canty (10046) and the staff inside the command post."

[Excerpt provided on the following page]

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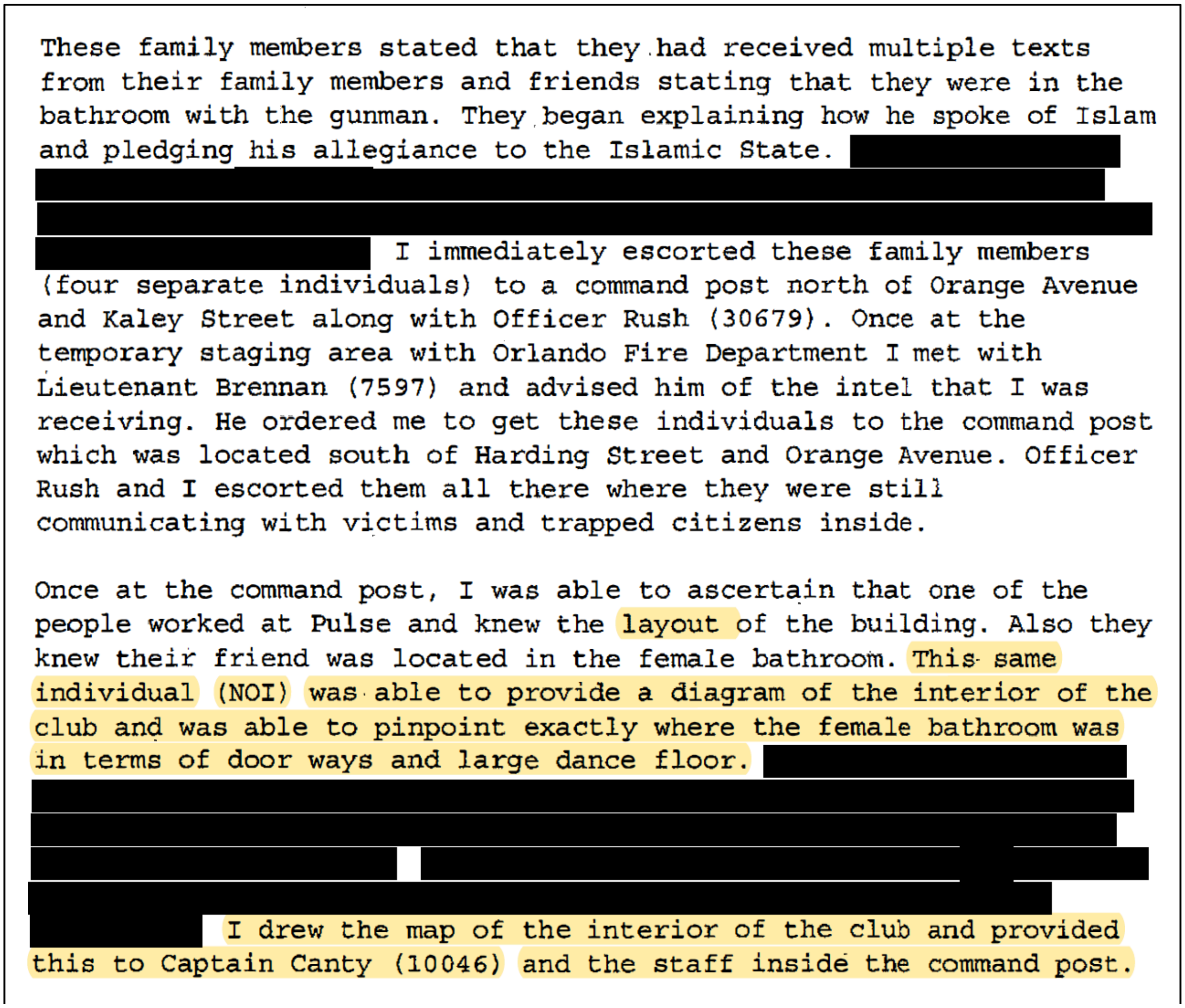
[15] Survivors who were consulted did not recall seeing Rosario Poma at Pulse on the night of the shooting and identified the employee who assisted officers with the layout of the building. We also know that Barbara Pom was in Mexico at the time of the shooting.

[16] https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records



These family members stated that they had received multiple texts from their family members and friends stating that they were in the bathroom with the gunman. They began explaining how he spoke of Islam and pledging his allegiance to the Islamic State. [redacted] I immediately escorted these family members (four separate individuals) to a command post north of Orange Avenue and Kaley Street along with Officer Rush (30679). Once at the temporary staging area with Orlando Fire Department I met with Lieutenant Brennan (7597) and advised him of the intel that I was receiving. He ordered me to get these individuals to the command post which was located south of Harding Street and Orange Avenue. Officer Rush and I escorted them all there where they were still communicating with victims and trapped citizens inside.

Once at the command post, I was able to ascertain that one of the people worked at Pulse and knew the layout of the building. Also they knew their friend was located in the female bathroom. This same individual (NOI) was able to provide a diagram of the interior of the club and was able to pinpoint exactly where the female bathroom was in terms of door ways and large dance floor. [redacted] I drew the map of the interior of the club and provided this to Captain Canty (10046) and the staff inside the command post.

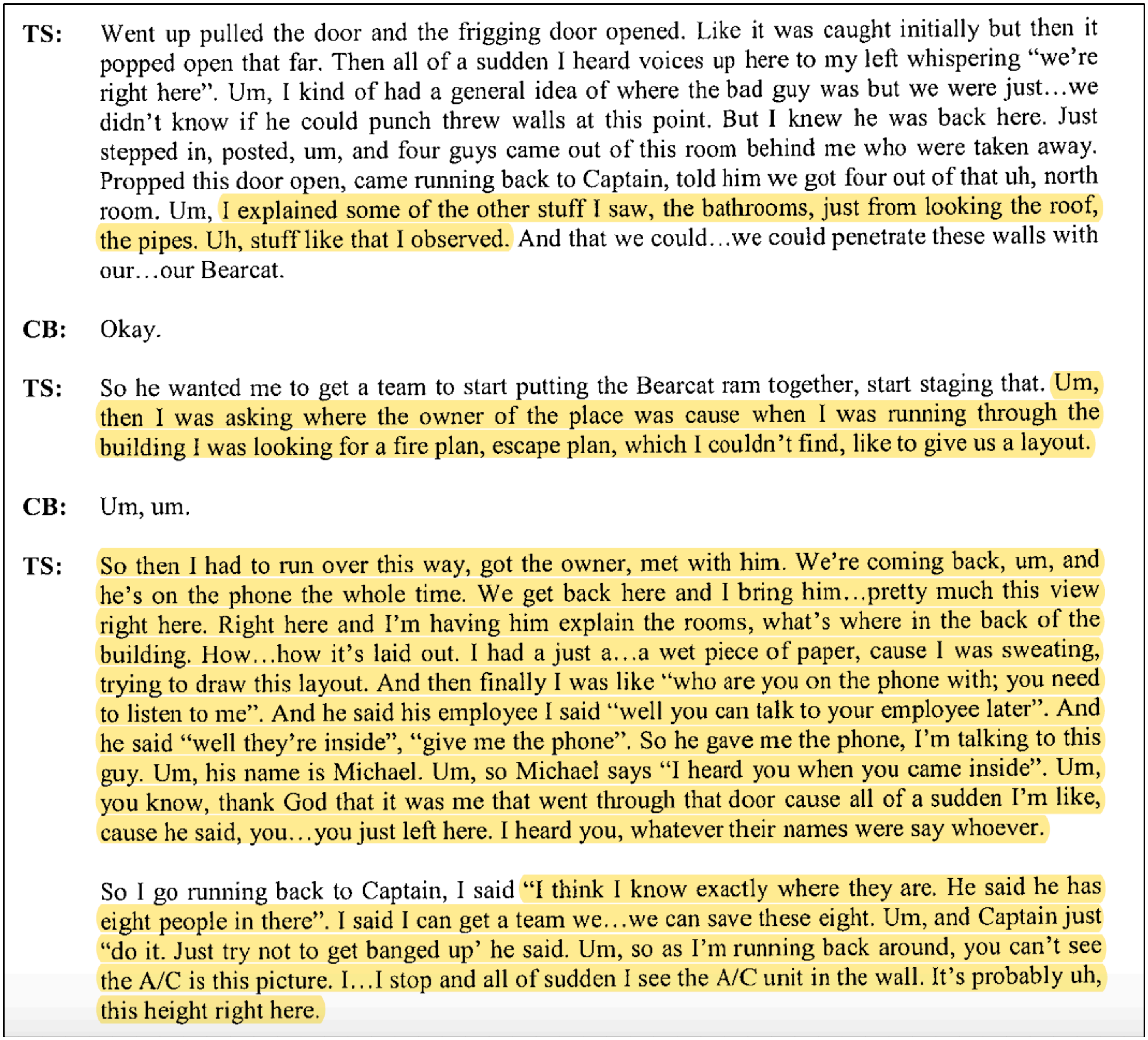
At 2:16 am, District 1 established the OFD command post at East Kaley Street and South Orange Avenue, behind Station 5. At 2:48 am, the unified command center was moved from behind Station 5 to south of Pulse due to concerns that the shooter also had explosives, but the Fire Department command post remained behind Station 5.

We requested all transcripts of communications to and from the Command Center, but that request was resulted in no responsive records.

However, other records were obtained through individual requests for public records indicate that not one, but at least two agents/officers were drawing layouts of the Pulse building as they tried to develop a strategy for how to stop the active shooter and save victims who remained trapped inside.

Transcripts from the OPD's Internal Investigation show "chaos" during the shooting and rescue effort, which was exacerbated by the lack of plans availability. In the following excerpt, Officer Timothy Stanley describes not having access to building plans.

Ofc. Stanley states, “Um, then I was asking where the owner of the place was cause when I was running through the building I was looking for a fire plan, escape plan, which I couldn’t find, like to give us a layout… I’m having him explain the rooms, what’s where in the back of the building. How… how it’s laid out. I had a just a… a wet piece of paper, cause I was sweating, trying to draw this layout.”



TS: Went up pulled the door and the frigging door opened. Like it was caught initially but then it popped open that far. Then all of a sudden I heard voices up here to my left whispering “we’re right here”. Um, I kind of had a general idea of where the bad guy was but we were just…we didn’t know if he could punch threw walls at this point. But I knew he was back here. Just stepped in, posted, um, and four guys came out of this room behind me who were taken away. Propped this door open, came running back to Captain, told him we got four out of that uh, north room. Um, I explained some of the other stuff I saw, the bathrooms, just from looking the roof, the pipes. Uh, stuff like that I observed. And that we could…we could penetrate these walls with our…our Bearcat.

CB: Okay.

TS: So he wanted me to get a team to start putting the Bearcat ram together, start staging that. Um, then I was asking where the owner of the place was cause when I was running through the building I was looking for a fire plan, escape plan, which I couldn’t find, like to give us a layout.

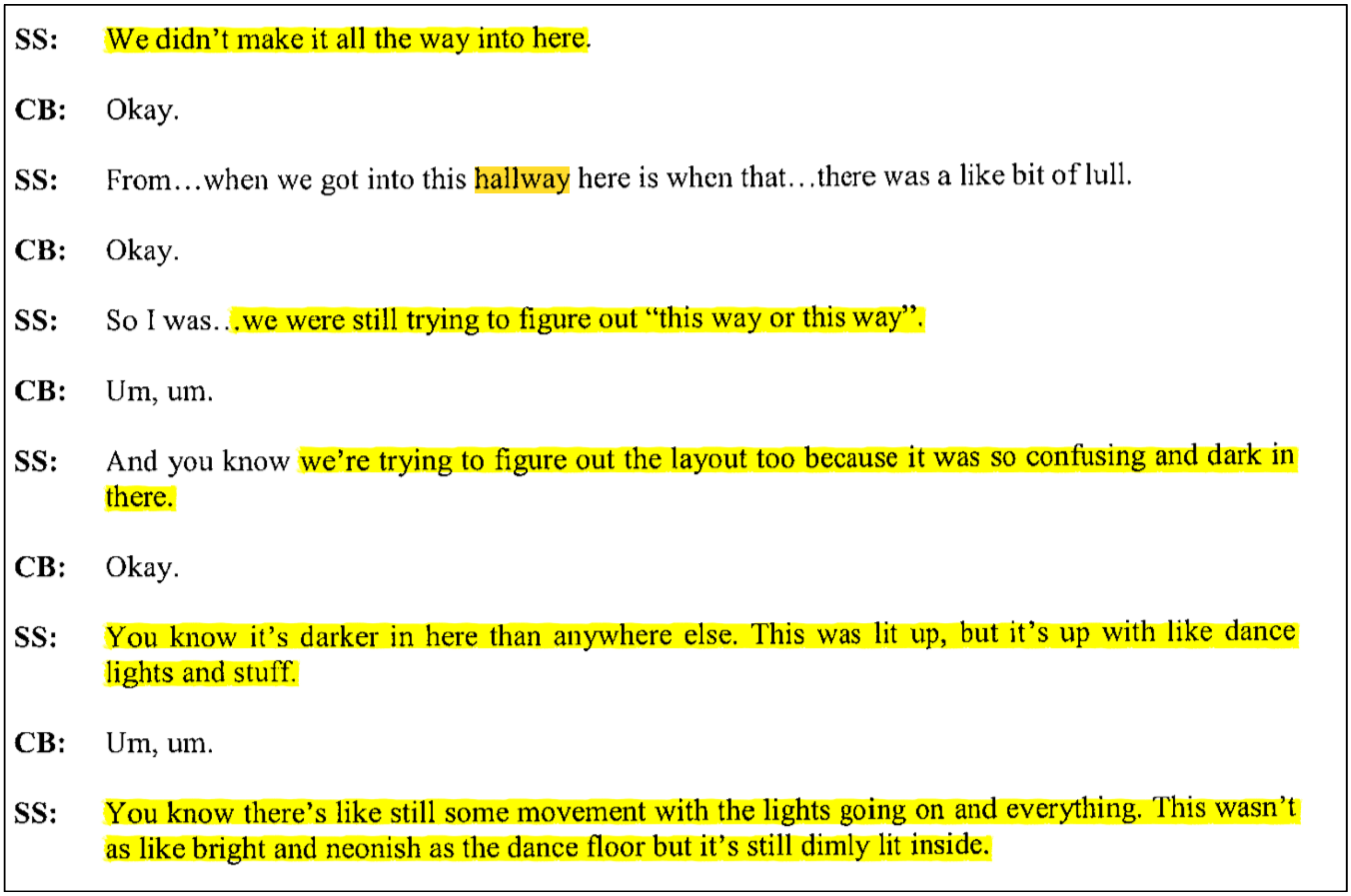
CB: Um, um.

TS: So then I had to run over this way, got the owner, met with him. We’re coming back, um, and he’s on the phone the whole time. We get back here and I bring him…pretty much this view right here. Right here and I’m having him explain the rooms, what’s where in the back of the building. How…how it’s laid out. I had a just a…a wet piece of paper, cause I was sweating, trying to draw this layout. And then finally I was like “who are you on the phone with; you need to listen to me”. And he said his employee I said “well you can talk to your employee later”. And he said “well they’re inside”, “give me the phone”. So he gave me the phone, I’m talking to this guy. Um, his name is Michael. Um, so Michael says “I heard you when you came inside”. Um, you know, thank God that it was me that went through that door cause all of a sudden I’m like, cause he said, you…you just left here. I heard you, whatever their names were say whoever.

So I go running back to Captain, I said “I think I know exactly where they are. He said he has eight people in there”. I said I can get a team we…we can save these eight. Um, and Captain just “do it. Just try not to get banged up’ he said. Um, so as I’m running back around, you can’t see the A/C is this picture. I…I stop and all of sudden I see the A/C unit in the wall. It’s probably uh, this height right here.

In the investigative interview between FDLE Agent Craig Beets and Lieutenant Scott Smith, Lt. Smith described his confusion navigating the building without knowing the layout.

He said, "…we were still trying to figure out 'this way or this way'… And you know we're trying to figure out the layout too because it was so confusing and dark in there."



SS: We didn't make it all the way into here.

CB: Okay.

SS: From…when we got into this hallway here is when that…there was a like bit of lull.

CB: Okay.

SS: So I was…we were still trying to figure out "this way or this way".

CB: Um, um.

SS: And you know we're trying to figure out the layout too because it was so confusing and dark in there.

CB: Okay.

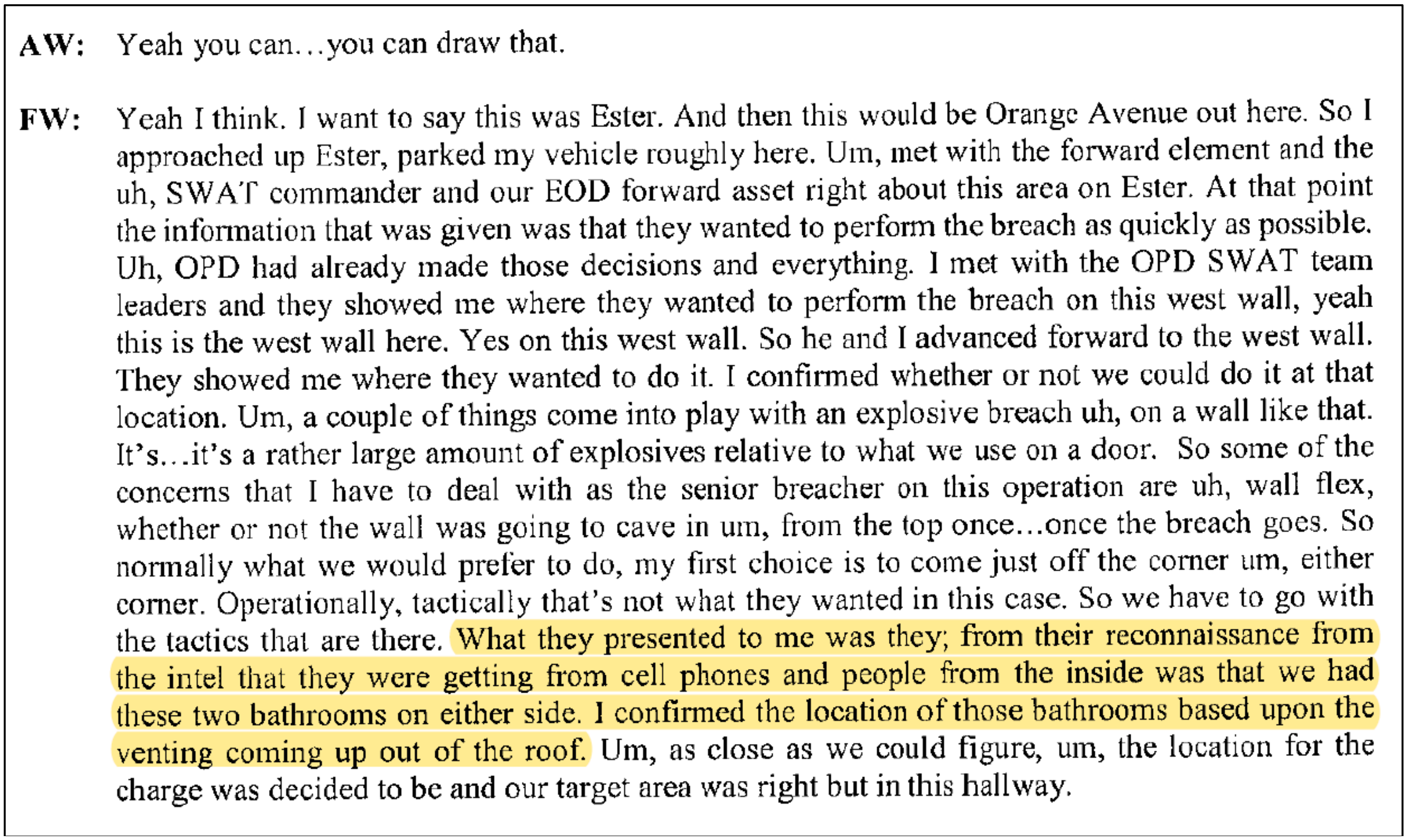
SS: You know it's darker in here than anywhere else. This was lit up, but it's up with like dance lights and stuff.

CB: Um, um.

SS: You know there's like still some movement with the lights going on and everything. This wasn't as like bright and neonish as the dance floor but it's still dimly lit inside.

In the investigative interview between FDLE Special Agent Alfonso Williams and Sergeant Fred Westerberg, a discussion was had about the initial attempt at an explosive breach.

Sgt. Westerberg states that the SWAT team relied on “reconnaissance from the intel they were getting from cell phones and people from inside” to determine the location of the breach. The bathroom locations had to be confirmed “based upon the venting coming up out of the roof.” Building plans were not consulted because they were not available.



AW: Yeah you can…you can draw that.

FW: Yeah I think. I want to say this was Ester. And then this would be Orange Avenue out here. So I approached up Ester, parked my vehicle roughly here. Um, met with the forward element and the uh, SWAT commander and our EOD forward asset right about this area on Ester. At that point the information that was given was that they wanted to perform the breach as quickly as possible. Uh, OPD had already made those decisions and everything. I met with the OPD SWAT team leaders and they showed me where they wanted to perform the breach on this west wall, yeah this is the west wall here. Yes on this west wall. So he and I advanced forward to the west wall. They showed me where they wanted to do it. I confirmed whether or not we could do it at that location. Um, a couple of things come into play with an explosive breach uh, on a wall like that. It's…it's a rather large amount of explosives relative to what we use on a door. So some of the concerns that I have to deal with as the senior breacher on this operation are uh, wall flex, whether or not the wall was going to cave in um, from the top once…once the breach goes. So normally what we would prefer to do, my first choice is to come just off the corner um, either corner. Operationally, tactically that's not what they wanted in this case. So we have to go with the tactics that are there. What they presented to me was they; from their reconnaissance from the intel that they were getting from cell phones and people from the inside was that we had these two bathrooms on either side. I confirmed the location of those bathrooms based upon the venting coming up out of the roof. Um, as close as we could figure, um, the location for the charge was decided to be and our target area was right but in this hallway.

Without building plans, the initial breach was done “in the wrong spot.”[17] This wasted more valuable time and brought extra attention to the area where live hostages were trapped.

Furthermore, the commotion garnered the attention of the armed gunman, who was still inside and who had stopped shooting for nearly three hours. Once police breached the building using the “BearCat” armored vehicle in multiple spots along the west wall, the shooter again opened fire at police and hostages.

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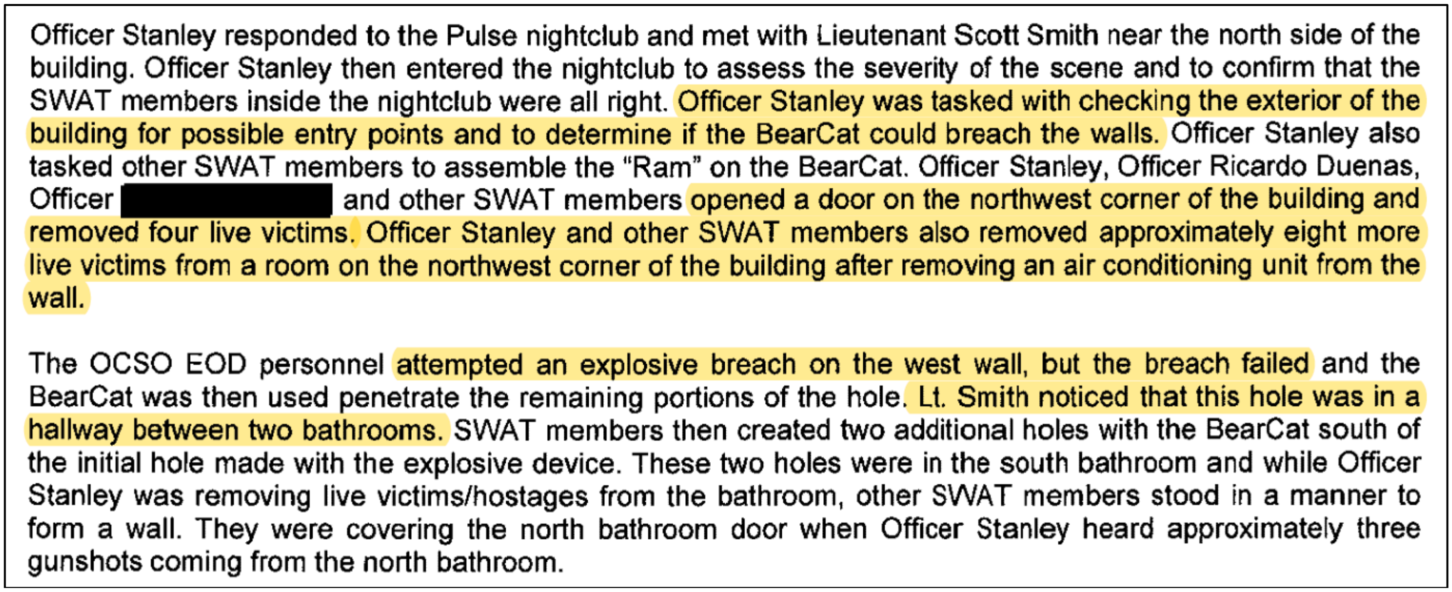
[17] https://www.latimes.com/nation/la-na-orlando-swat-20160617-snap-story.html; https://www.vnews.com/Why-did-police-take-so-long-at-Pulse-2943460

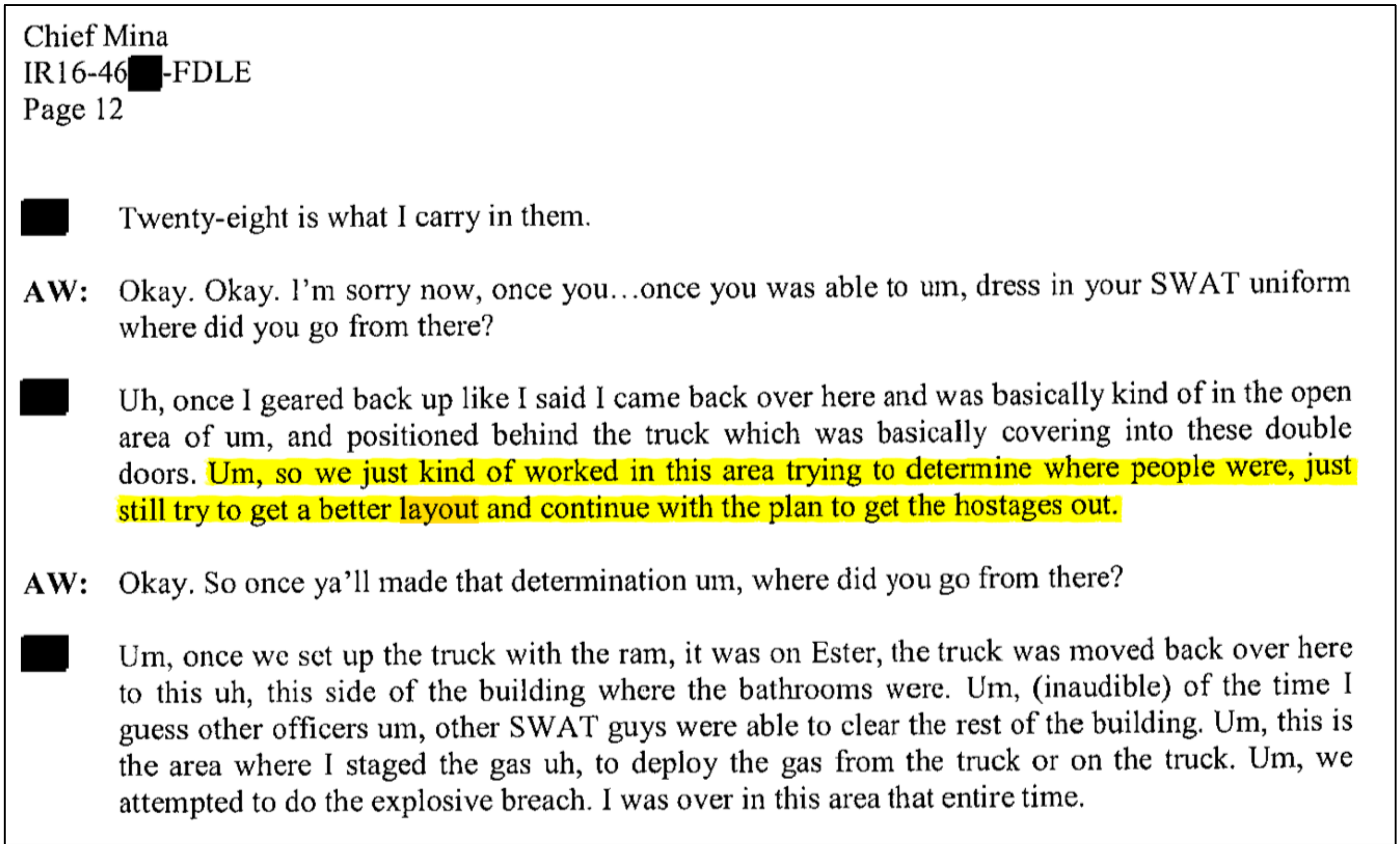
These actions are summarized in the OPD's Investigative Summary for Case #OR-27-0258 below, which was also obtained through an individual public records request.



Officer Stanley responded to the Pulse nightclub and met with Lieutenant Scott Smith near the north side of the building. Officer Stanley then entered the nightclub to assess the severity of the scene and to confirm that the SWAT members inside the nightclub were all right. Officer Stanley was tasked with checking the exterior of the building for possible entry points and to determine if the BearCat could breach the walls. Officer Stanley also tasked other SWAT members to assemble the "Ram" on the BearCat. Officer Stanley, Officer Ricardo Duenas, Officer [redacted] and other SWAT members opened a door on the northwest corner of the building and removed four live victims. Officer Stanley and other SWAT members also removed approximately eight more live victims from a room on the northwest corner of the building after removing an air conditioning unit from the wall.

The OCSO EOD personnel attempted an explosive breach on the west wall, but the breach failed and the BearCat was then used penetrate the remaining portions of the hole. Lt. Smith noticed that this hole was in a hallway between two bathrooms. SWAT members then created two additional holes with the BearCat south of the initial hole made with the explosive device. These two holes were in the south bathroom and while Officer Stanley was removing live victims/hostages from the bathroom, other SWAT members stood in a manner to form a wall. They were covering the north bathroom door when Officer Stanley heard approximately three gunshots coming from the north bathroom.

Other transcripts from the OPD's internal investigation, also show first responders navigating the hostile environment without building plans or knowing the layout of the building (shown below):



Chief Mina
IR16-46[redacted]-FDLE
Page 12

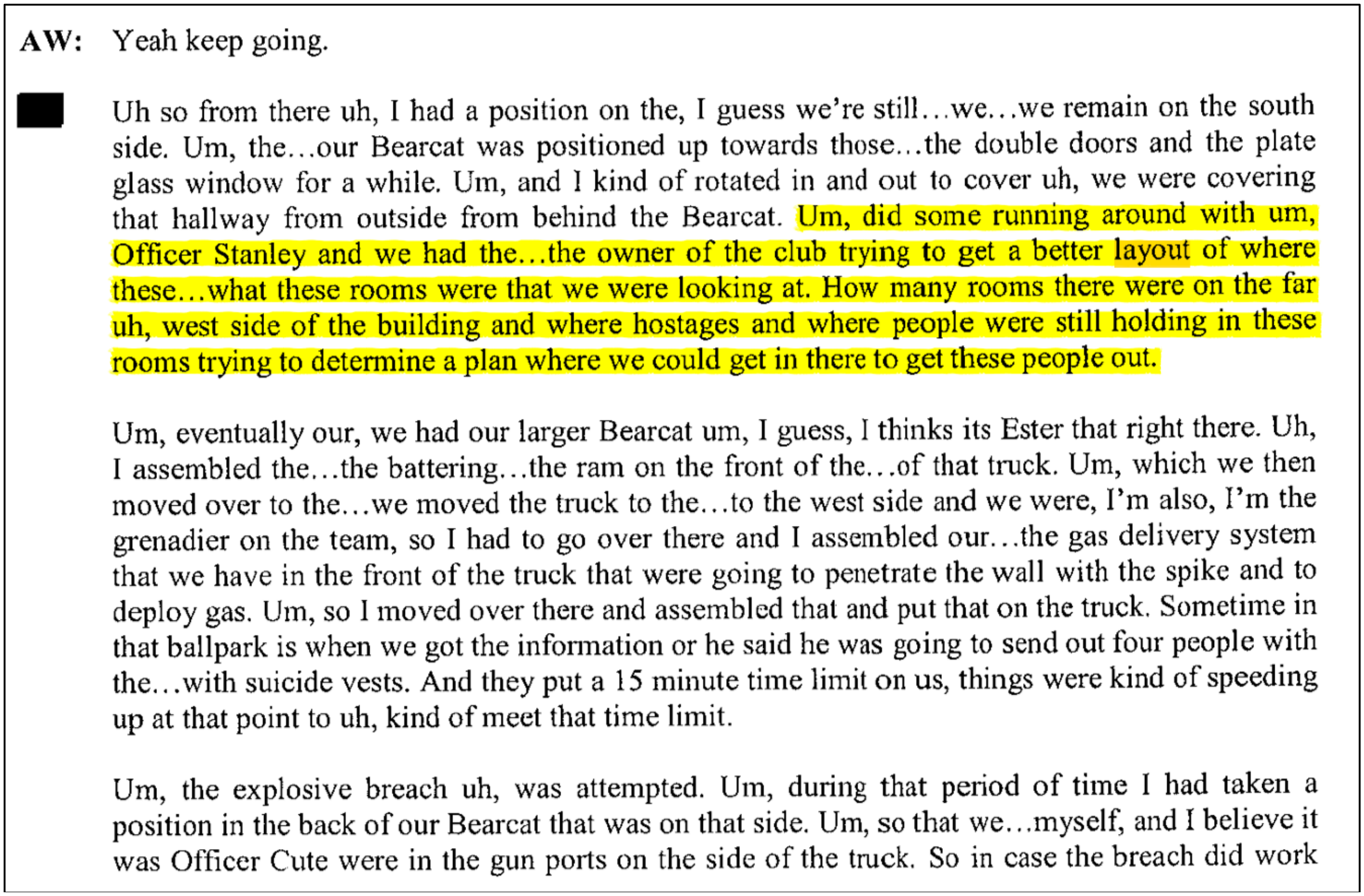
[redacted] Twenty-eight is what I carry in them.

AW: Okay. Okay. I'm sorry now, once you…once you was able to um, dress in your SWAT uniform where did you go from there?

[redacted] Uh, once I geared back up like I said I came back over here and was basically kind of in the open area of um, and positioned behind the truck which was basically covering into these double doors. Um, so we just kind of worked in this area trying to determine where people were, just still try to get a better layout and continue with the plan to get the hostages out.

AW: Okay. So once ya'll made that determination um, where did you go from there?

[redacted] Um, once we set up the truck with the ram, it was on Ester, the truck was moved back over here to this uh, this side of the building where the bathrooms were. Um, (inaudible) of the time I guess other officers um, other SWAT guys were able to clear the rest of the building. Um, this is the area where I staged the gas uh, to deploy the gas from the truck or on the truck. Um, we attempted to do the explosive breach. I was over in this area that entire time.



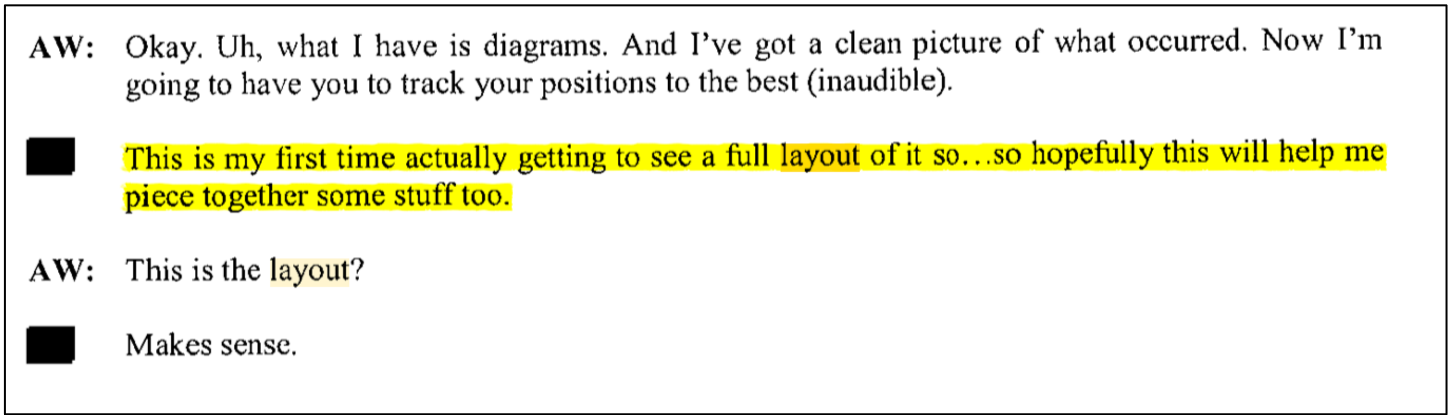
AW: Yeah keep going.

[redacted] Uh so from there uh, I had a position on the, I guess we're still…we…we remain on the south side. Um, the…our Bearcat was positioned up towards those…the double doors and the plate glass window for a while. Um, and I kind of rotated in and out to cover uh, we were covering that hallway from outside from behind the Bearcat. Um, did some running around with um, Officer Stanley and we had the…the owner of the club trying to get a better layout of where these…what these rooms were that we were looking at. How many rooms there were on the far uh, west side of the building and where hostages and where people were still holding in these rooms trying to determine a plan where we could get in there to get these people out.

Um, eventually our, we had our larger Bearcat um, I guess, I thinks its Ester that right there. Uh, I assembled the…the battering…the ram on the front of the…of that truck. Um, which we then moved over to the…we moved the truck to the…to the west side and we were, I'm also, I'm the grenadier on the team, so I had to go over there and I assembled our…the gas delivery system that we have in the front of the truck that were going to penetrate the wall with the spike and to deploy gas. Um, so I moved over there and assembled that and put that on the truck. Sometime in that ballpark is when we got the information or he said he was going to send out four people with the…with suicide vests. And they put a 15 minute time limit on us, things were kind of speeding up at that point to uh, kind of meet that time limit.

Um, the explosive breach uh, was attempted. Um, during that period of time I had taken a position in the back of our Bearcat that was on that side. Um, so that we…myself, and I believe it was Officer Cute were in the gun ports on the side of the truck. So in case the breach did work

During their interview, a first responder whose name was redacted from the transcripts, told FDLE Special Agent Alfonso Williams that the diagram provided during the interview was his "first time actually getting to see a full layout…" The interview took place on June 17, 2017—five days after the shooting.

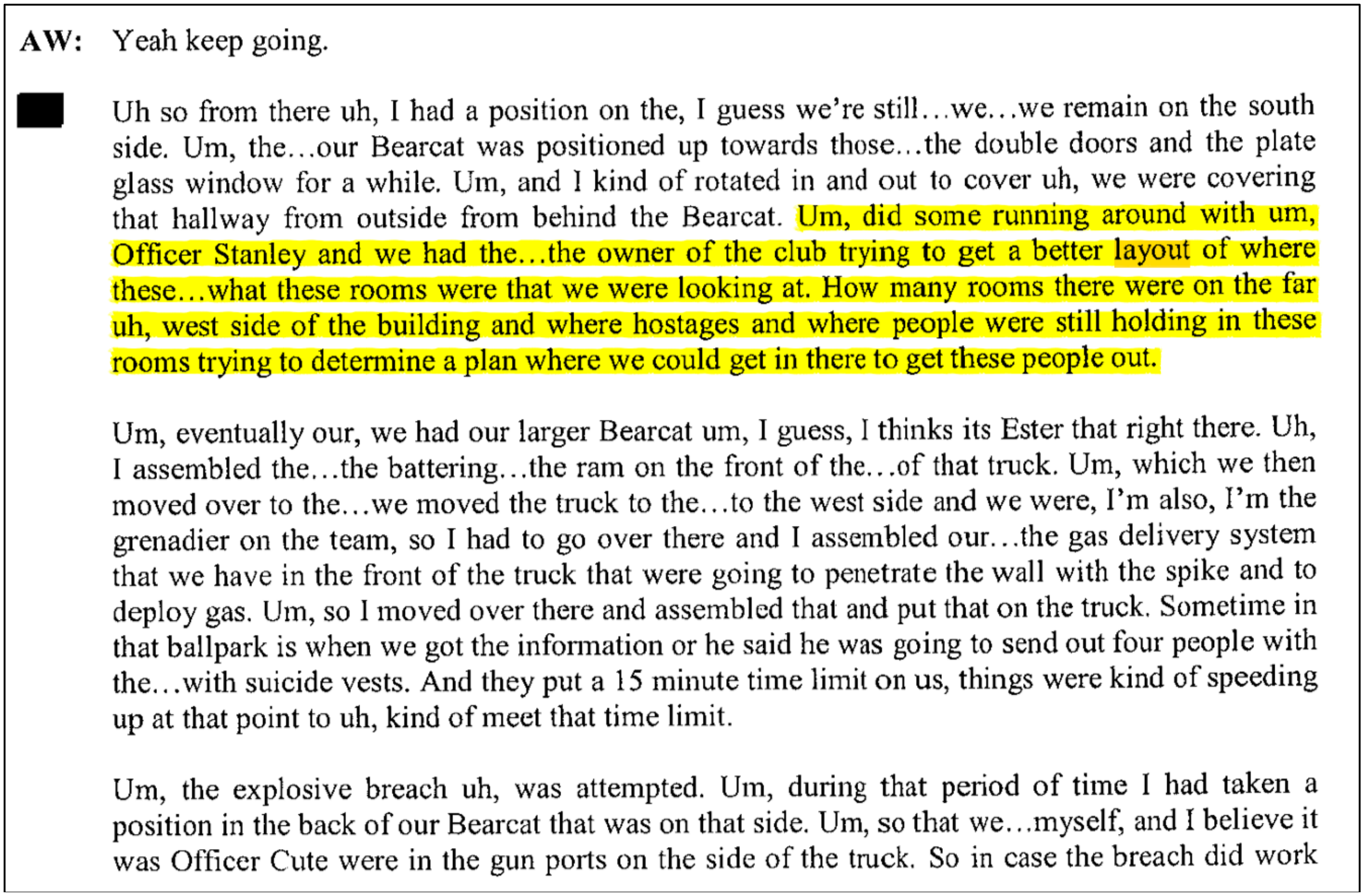


AW: Okay. Uh, what I have is diagrams. And I've got a clean picture of what occurred. Now I'm going to have you to track your positions to the best (inaudible).

[redacted] This is my first time actually getting to see a full layout of it so…so hopefully this will help me piece together some stuff too.

AW: This is the layout?

[redacted] Makes sense.



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[redacted] Uh so from there uh, I had a position on the, I guess we're still…we…we remain on the south side. Um, the…our Bearcat was positioned up towards those…the double doors and the plate glass window for a while. Um, and I kind of rotated in and out to cover uh, we were covering that hallway from outside from behind the Bearcat. Um, did some running around with um, Officer Stanley and we had the…the owner of the club trying to get a better layout of where these…what these rooms were that we were looking at. How many rooms there were on the far uh, west side of the building and where hostages and where people were still holding in these rooms trying to determine a plan where we could get in there to get these people out.

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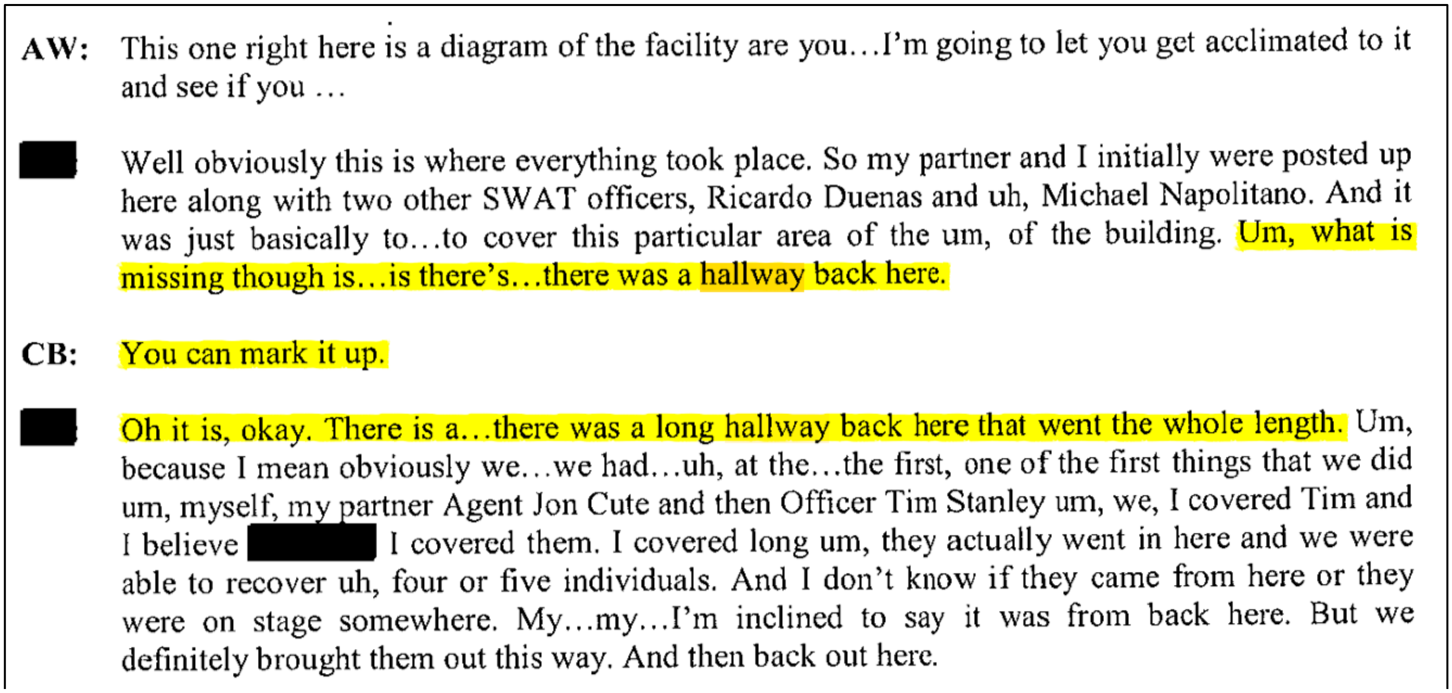
During another interview conducted on June 17, 2016 with a first responder whose name is also redacted from the transcripts, the agent is provided with the same diagram of Pulse's layout to reference.

[continued on next page]

They state, “what’s missing though is… is there’s… there’s a hallway back here” and is instructed to mark up the diagram by FDLE Special Agent Craig Beers.



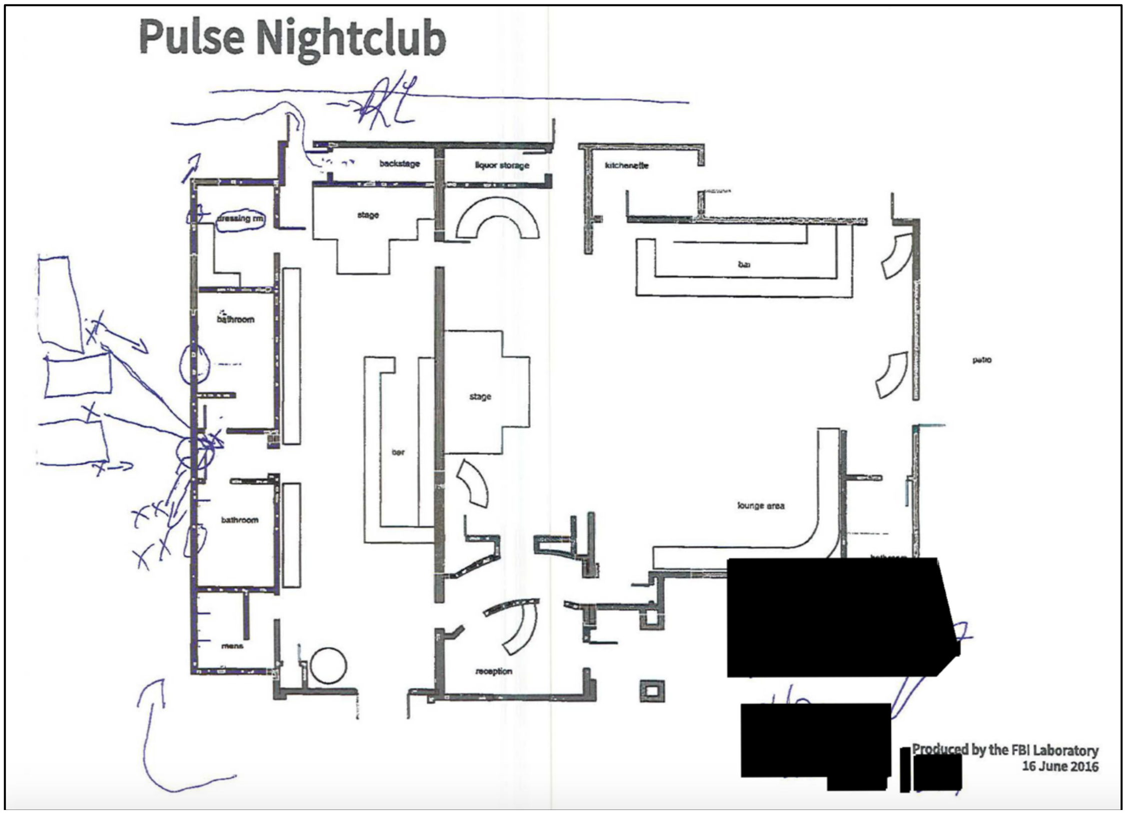
AW: This one right here is a diagram of the facility are you…I’m going to let you get acclimated to it and see if you …

[redacted] Well obviously this is where everything took place. So my partner and I initially were posted up here along with two other SWAT officers, Ricardo Duenas and uh, Michael Napolitano. And it was just basically to…to cover this particular area of the um, of the building. Um, what is missing though is…is there’s…there was a hallway back here.

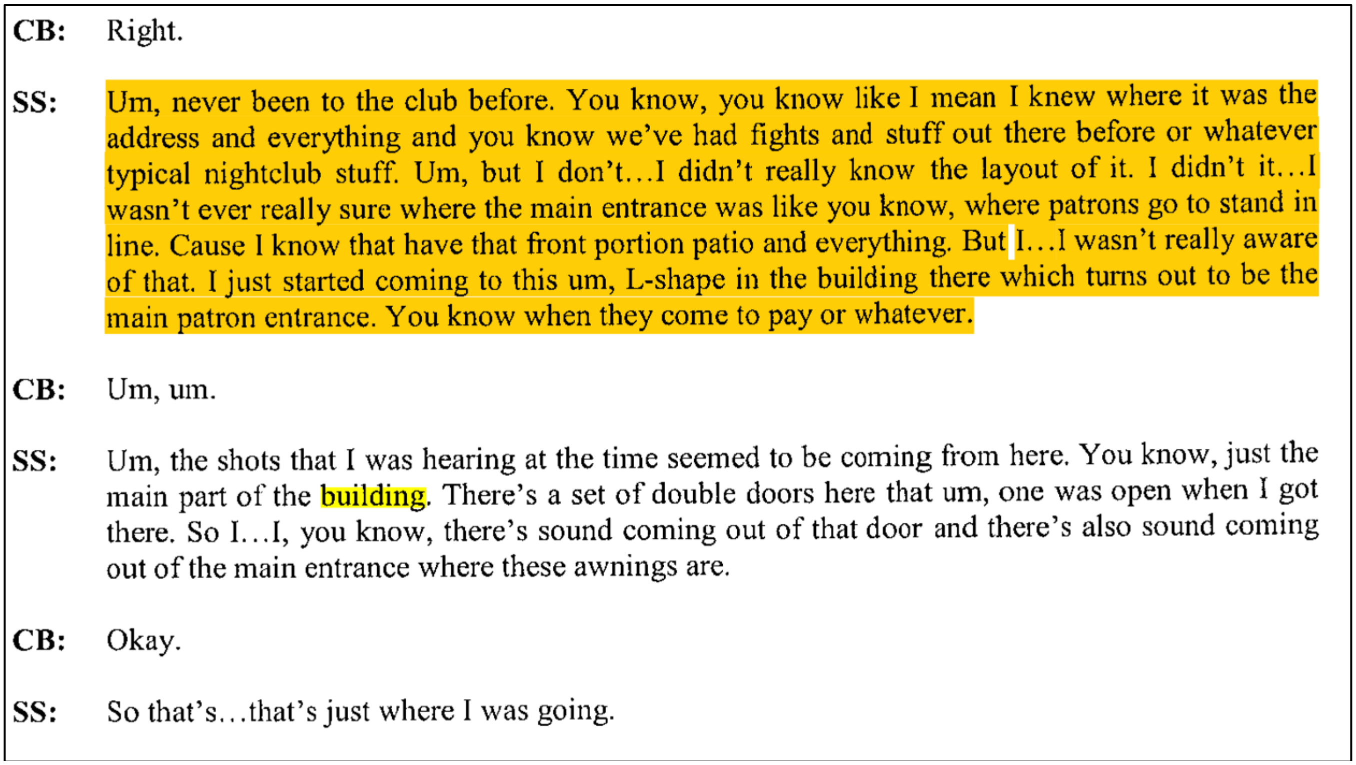
CB: You can mark it up.

[redacted] Oh it is, okay. There is a…there was a long hallway back here that went the whole length. Um, because I mean obviously we…we had…uh, at the…the first, one of the first things that we did um, myself, my partner Agent Jon Cute and then Officer Tim Stanley um, we, I covered Tim and I believe [redacted] I covered them. I covered long um, they actually went in here and we were able to recover uh, four or five individuals. And I don’t know if they came from here or they were on stage somewhere. My…my…I’m inclined to say it was from back here. But we definitely brought them out this way. And then back out here.

The missing “hallway” that the agent was referring to was the unpermitted, fenced-in “trash/storage” area on the north side of Pulse. He drew this hallway on the diagram provided, shown below:


Pulse Nightclub
backstage
liquor storage
kitchenette
dressing rm
stage
bar
bathroom
patio
stage
bar
lounge area
bathroom
mens
reception
Produced by the FBI Laboratory
16 June 2016

In yet another interview done as part of the same internal investigation, Lieutenant Scott Smith told investigators he did not know the layout of Pulse when he went into the building.



CB: Right.

SS: Um, never been to the club before. You know, you know like I mean I knew where it was the address and everything and you know we've had fights and stuff out there before or whatever typical nightclub stuff. Um, but I don't…I didn't really know the layout of it. I didn't it…I wasn't ever really sure where the main entrance was like you know, where patrons go to stand in line. Cause I know that have that front portion patio and everything. But I…I wasn't really aware of that. I just started coming to this um, L-shape in the building there which turns out to be the main patron entrance. You know when they come to pay or whatever.

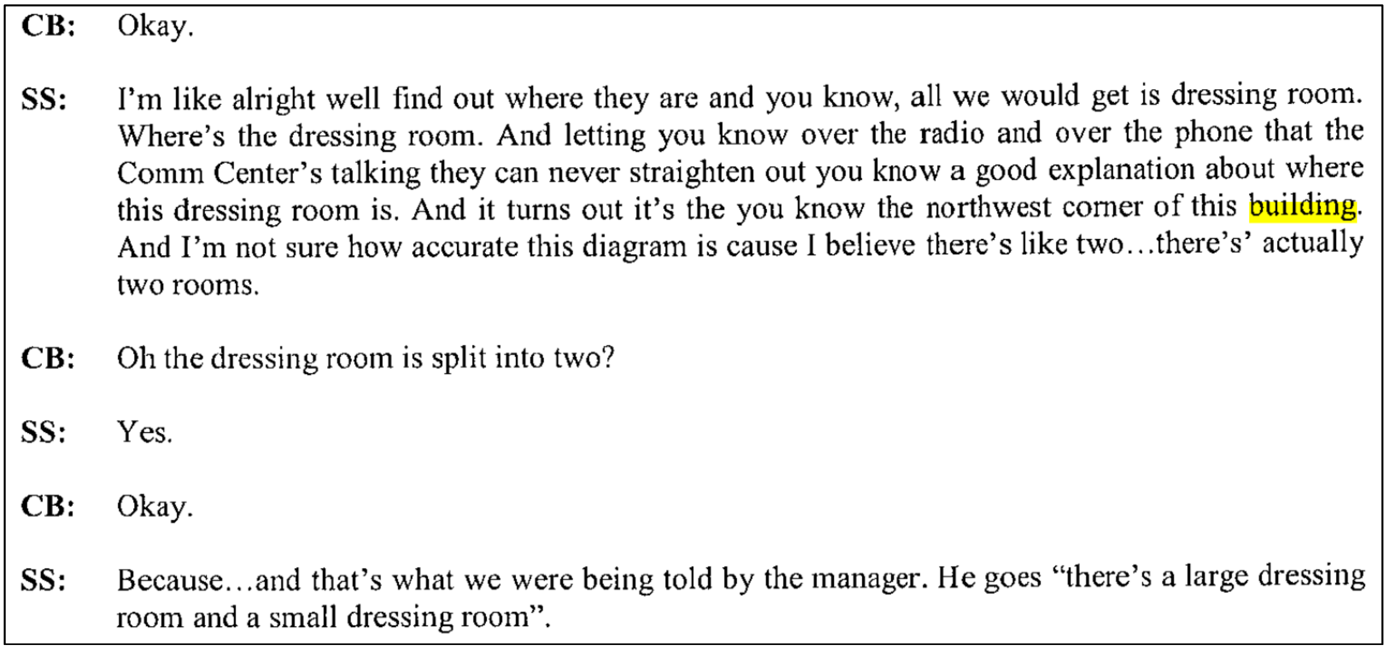
CB: Um, um.

SS: Um, the shots that I was hearing at the time seemed to be coming from here. You know, just the main part of the building. There's a set of double doors here that um, one was open when I got there. So I…I, you know, there's sound coming out of that door and there's also sound coming out of the main entrance where these awnings are.

CB: Okay.

SS: So that's…that's just where I was going.

Lt. Smith used the diagram provided during the interview to describe "all this chaos" and told investigators it was not representative of the actual layout of Pulse. He stated, "And I'm not sure how accurate this diagram is cause I believe there's like two… there's actually two rooms"



CB: Okay.

SS: I'm like alright well find out where they are and you know, all we would get is dressing room. Where's the dressing room. And letting you know over the radio and over the phone that the Comm Center's talking they can never straighten out you know a good explanation about where this dressing room is. And it turns out it's the you know the northwest corner of this building. And I'm not sure how accurate this diagram is cause I believe there's like two…there's' actually two rooms.

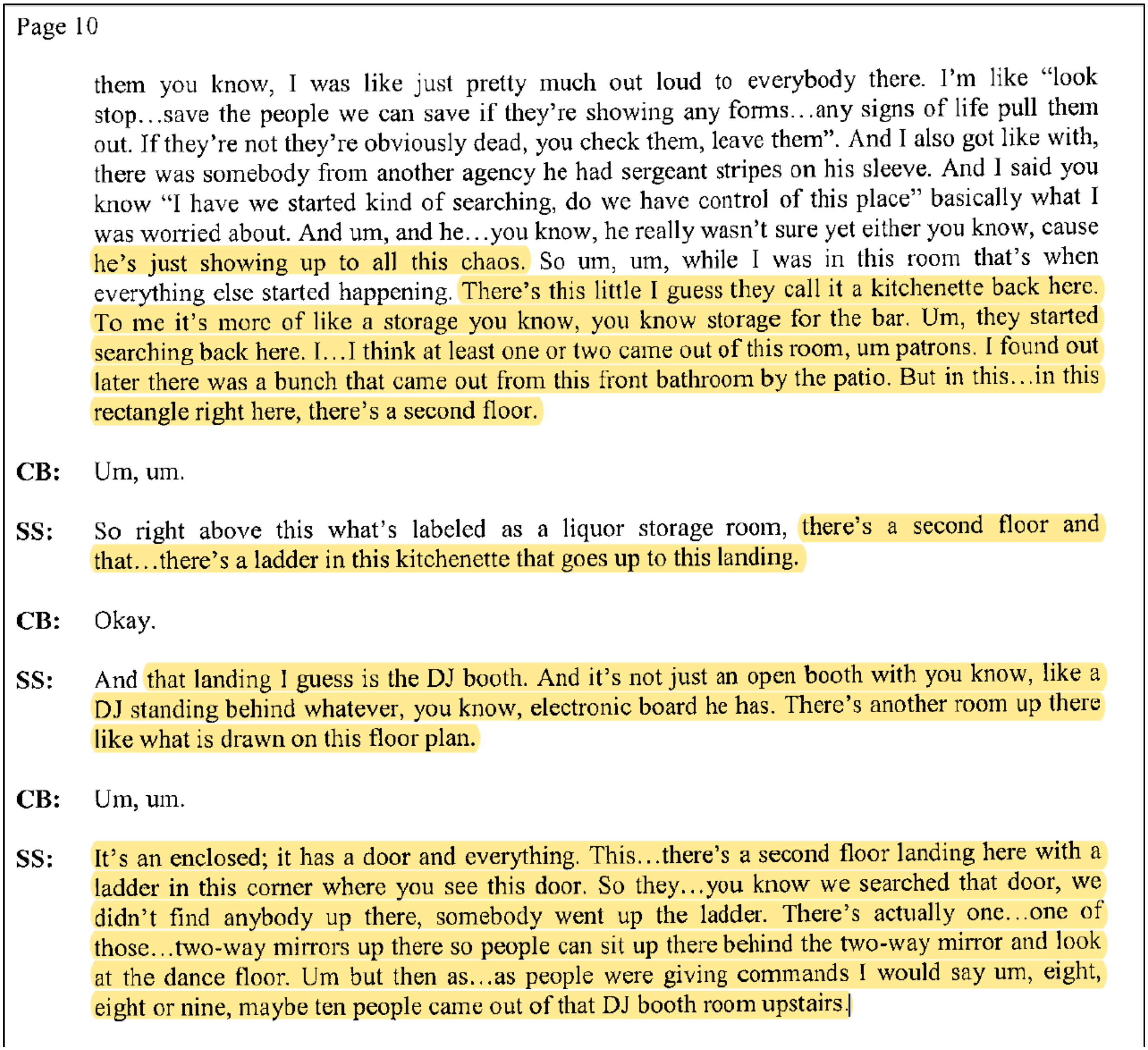
CB: Oh the dressing room is split into two?

SS: Yes.

CB: Okay.

SS: Because…and that's what we were being told by the manager. He goes "there's a large dressing room and a small dressing room".

Lt. Smith also stated, “But in this rectangle here, there’s a second floor… So right above what’s labeled as a liquor storage room, there’s a second floor and that… there’s a ladder in this kitchenette that goes up to this landing… And that landing I guess is the DJ booth… There’s another room up there like what is drawn on this floor plan.”



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them you know, I was like just pretty much out loud to everybody there. I’m like “look stop…save the people we can save if they’re showing any forms…any signs of life pull them out. If they’re not they’re obviously dead, you check them, leave them”. And I also got like with, there was somebody from another agency he had sergeant stripes on his sleeve. And I said you know “I have we started kind of searching, do we have control of this place” basically what I was worried about. And um, and he…you know, he really wasn’t sure yet either you know, cause he’s just showing up to all this chaos. So um, um, while I was in this room that’s when everything else started happening. There’s this little I guess they call it a kitchenette back here. To me it’s more of like a storage you know, you know storage for the bar. Um, they started searching back here. I…I think at least one or two came out of this room, um patrons. I found out later there was a bunch that came out from this front bathroom by the patio. But in this…in this rectangle right here, there’s a second floor.

CB: Um, um.

SS: So right above this what’s labeled as a liquor storage room, there’s a second floor and that…there’s a ladder in this kitchenette that goes up to this landing.

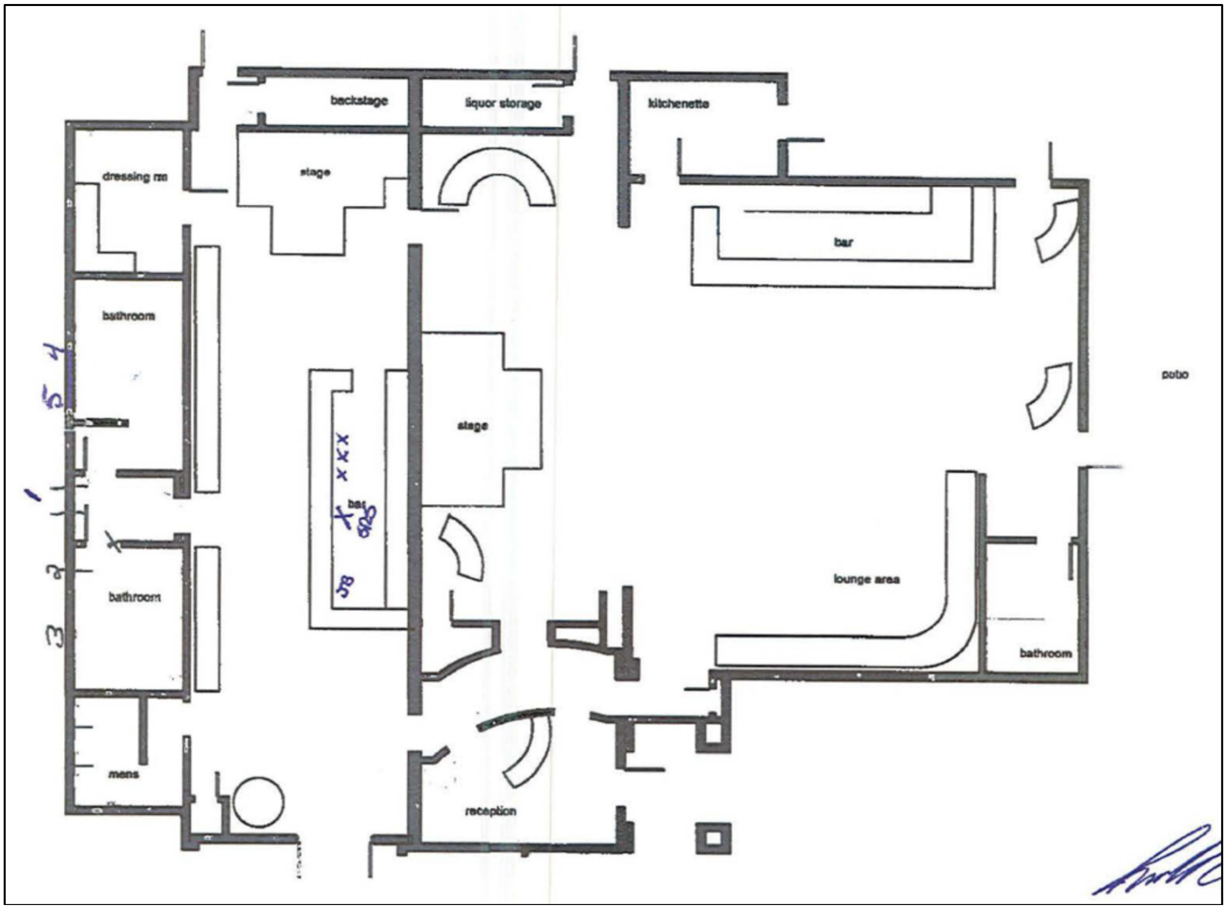
CB: Okay.

SS: And that landing I guess is the DJ booth. And it’s not just an open booth with you know, like a DJ standing behind whatever, you know, electronic board he has. There’s another room up there like what is drawn on this floor plan.

CB: Um, um.

SS: It’s an enclosed; it has a door and everything. This…there’s a second floor landing here with a ladder in this corner where you see this door. So they…you know we searched that door, we didn’t find anybody up there, somebody went up the ladder. There’s actually one…one of those…two-way mirrors up there so people can sit up there behind the two-way mirror and look at the dance floor. Um but then as…as people were giving commands I would say um, eight, eight or nine, maybe ten people came out of that DJ booth room upstairs.

Lt. Smith was given the same diagram as all the other interviewees, which DID NOT show the second floor that he described. His marked-up diagram is provided below:

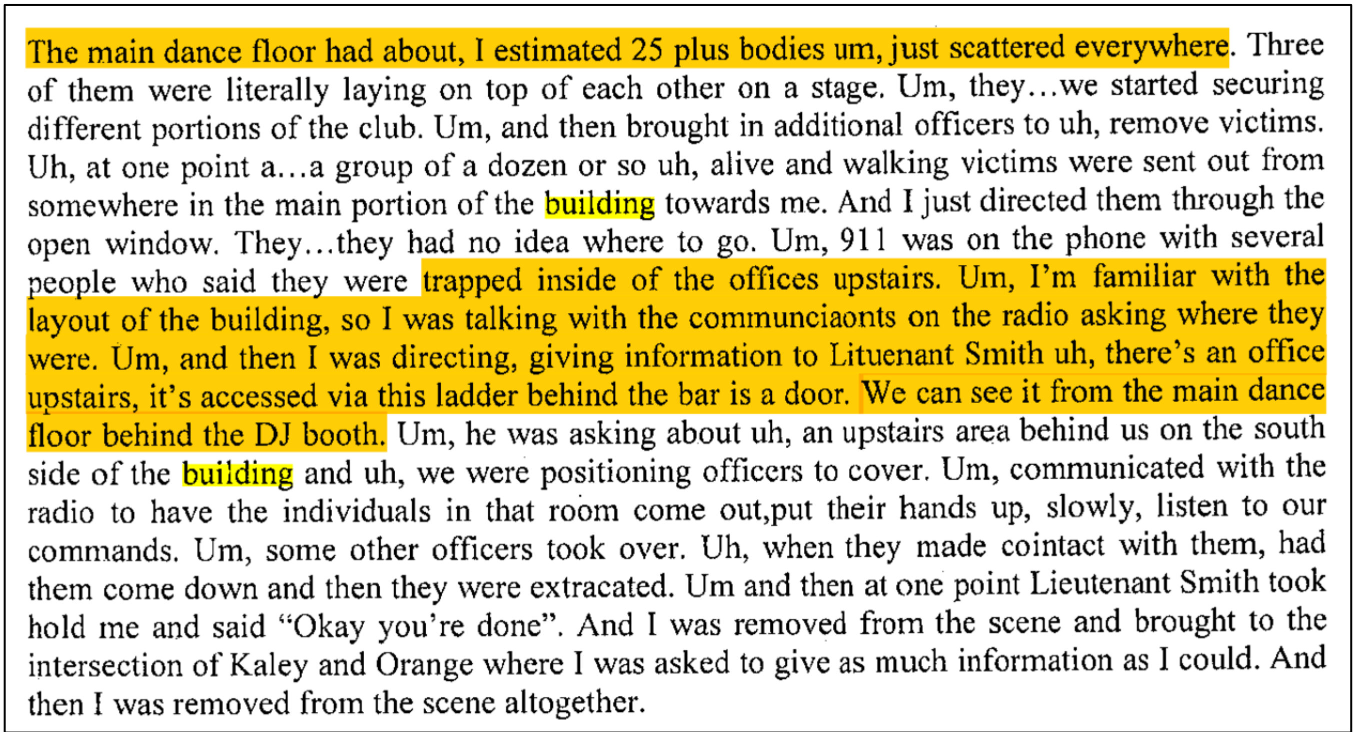

backstage
liquor storage
kitchenette
dressing rm
stage
bar
bathroom
patio
stage
bar
lounge area
bathroom
bathroom
mens
reception
5
4
1
2
3
x x x x
X
JB

These interviews show that **even four days after the shooting, neither the OPD or the FBI had accurate building plans of Pulse**.

They had to be marked up during investigative interviews in order for first responders to tell the complete story of what happened on the night of the shooting.

The diagrams of the layout of Pulse were produced by the FBI laboratory on June 16, 2016—four days after the shooting.

In the interview with Detective Adam Gruler, also from the same OPD internal investigation, he stated that he was familiar with Pulse's layout and was giving information to Lt. Smith to extract hostages who were trapped upstairs. Det. Gruler worked at the nightclub for "approximately a year and a half to two years."



The main dance floor had about, I estimated 25 plus bodies um, just scattered everywhere. Three of them were literally laying on top of each other on a stage. Um, they…we started securing different portions of the club. Um, and then brought in additional officers to uh, remove victims. Uh, at one point a…a group of a dozen or so uh, alive and walking victims were sent out from somewhere in the main portion of the building towards me. And I just directed them through the open window. They…they had no idea where to go. Um, 911 was on the phone with several people who said they were trapped inside of the offices upstairs. Um, I'm familiar with the layout of the building, so I was talking with the communciaonts on the radio asking where they were. Um, and then I was directing, giving information to Lituenant Smith uh, there's an office upstairs, it's accessed via this ladder behind the bar is a door. We can see it from the main dance floor behind the DJ booth. Um, he was asking about uh, an upstairs area behind us on the south side of the building and uh, we were positioning officers to cover. Um, communicated with the radio to have the individuals in that room come out,put their hands up, slowly, listen to our commands. Um, some other officers took over. Uh, when they made cointact with them, had them come down and then they were extracated. Um and then at one point Lieutenant Smith took hold me and said "Okay you're done". And I was removed from the scene and brought to the intersection of Kaley and Orange where I was asked to give as much information as I could. And then I was removed from the scene altogether.

After Det. Gruler was removed from the scene, he was brought to the Command Center where he continued to give information.

3.3 Acquiring Floor Plans is a Standard Practice

According to the “Tactical Response and Operations Standard for Law Enforcement Agencies” published by the National Tactical Officers Association (April 2018), floor plans are an essential competency for SWAT teams. You can view this report, here.[18] You can also view the previously published version (September 2008), here.[19] According to these standards, “The (Agency Name) Civil Engineer Unit will: (a) Provide current building floor plans and layouts” during a hostage situation or critical incident.

Acquiring floor plans from government records is a standard practice of SWAT teams in hostage situations and other critical incidents, as documented via the following resources:

1. *Multi-Method Study of Special Weapons and Tactics Teams* by David A. Klinger and Jeff Rojek.[20]
2. Leon County Sherriff’s Office, *Standard Operating Procedure 450.F7 Hostage Plan*.[21]
3. Police Chief Magazine, *Active Shooter Response: Developing a Tactical Playbook*.[22]
4. *School Emergency Response Plan and Management Guide*.[23]

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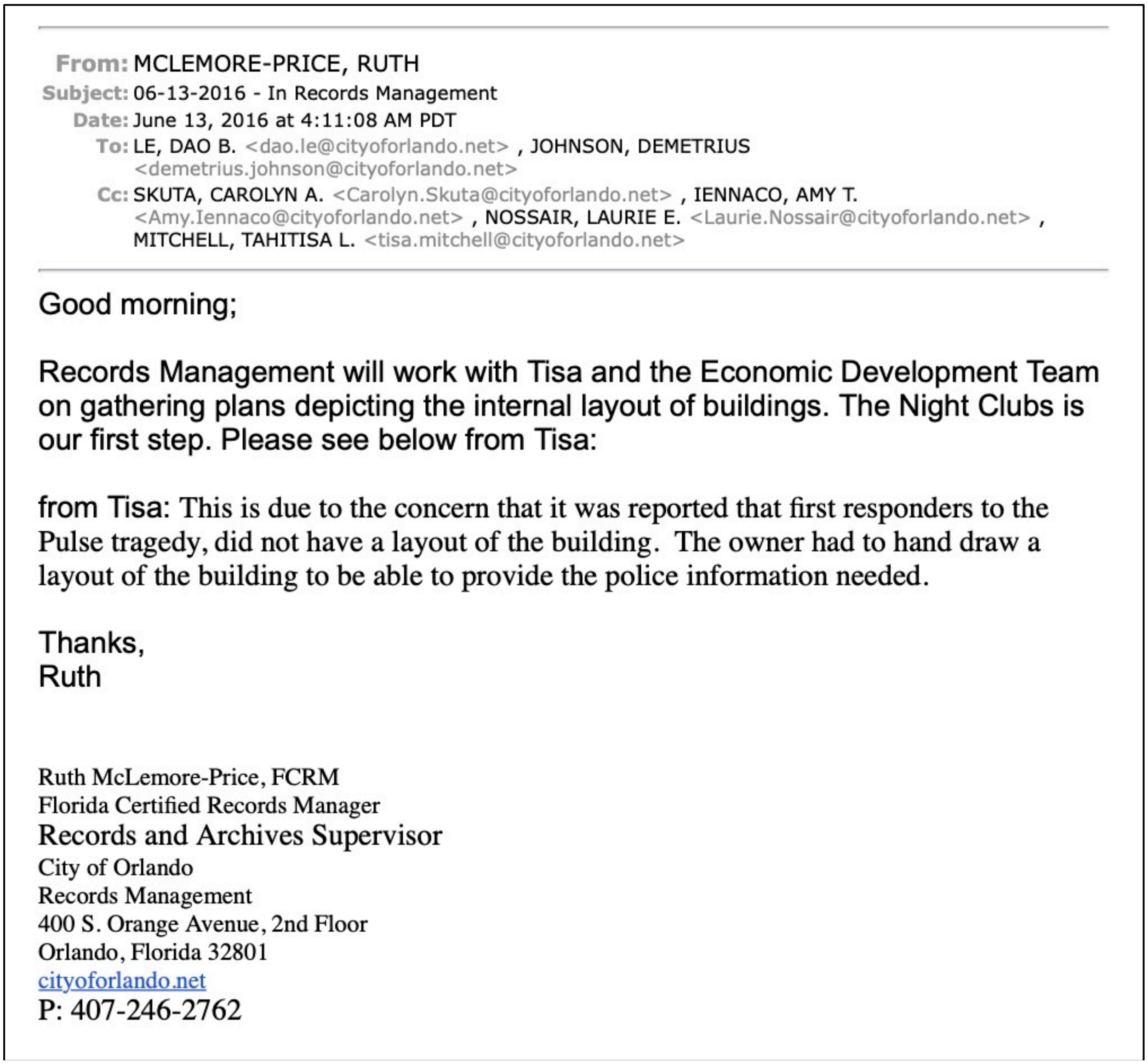
[18] http://ntoa.org/pdf/swatstandards.pdf
[19] http://www.justiceacademy.org/iShare/Library-Manuals/NTOA-Swat-Standards.pdf
[20] https://www.ncjrs.gov/pdffiles1/nij/grants/223855.pdf
[21] http://www.leoncountyso.com/asp_pages/dms_documents/379.pdf
[22] https://www.policechiefmagazine.org/active-shooter-response-playbook/
[23] https://esa.dc.gov/sites/default/files/dc/sites/esa/publication/attachments/hostage%20situation.pdf

3.4 After the Shooting, City Officials Seek Building Plans

In the days after the shooting, city officials sought Pulse's building plans as media organizations began requesting documentation. The following emails show city officials looking for accurate building plans, as the building plans were not available at the time of the shooting.

Emails also show that Timothy Johnson (Permitting Services) responded to these calls and sent city employees the most current floor plans he had, which were the unpermitted floor plans emailed to him on May 20, 2010.



From: MCLEMORE-PRICE, RUTH
Subject: 06-13-2016 - In Records Management
Date: June 13, 2016 at 4:11:08 AM PDT
To: LE, DAO B. <dao.le@cityoforlando.net> , JOHNSON, DEMETRIUS <demetrius.johnson@cityoforlando.net>
Cc: SKUTA, CAROLYN A. <Carolyn.Skuta@cityoforlando.net> , IENNACO, AMY T. <Amy.Iennaco@cityoforlando.net> , NOSSAIR, LAURIE E. <Laurie.Nossair@cityoforlando.net> , MITCHELL, TAHITISA L. <tisa.mitchell@cityoforlando.net>

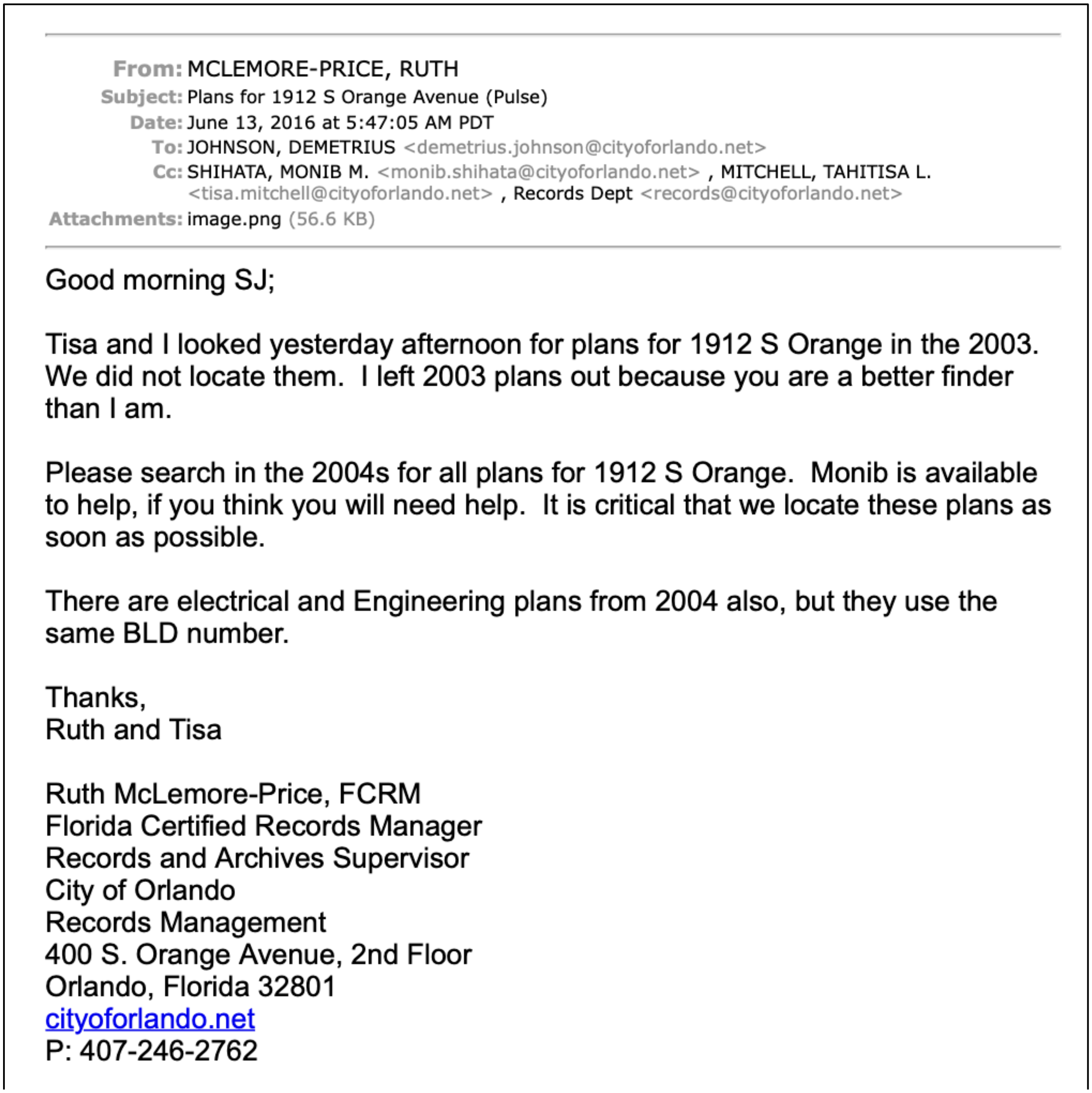
Good morning;

Records Management will work with Tisa and the Economic Development Team on gathering plans depicting the internal layout of buildings. The Night Clubs is our first step. Please see below from Tisa:

from Tisa: This is due to the concern that it was reported that first responders to the Pulse tragedy, did not have a layout of the building. The owner had to hand draw a layout of the building to be able to provide the police information needed.

Thanks,
Ruth

Ruth McLemore-Price, FCRM
Florida Certified Records Manager
Records and Archives Supervisor
City of Orlando
Records Management
400 S. Orange Avenue, 2nd Floor
Orlando, Florida 32801
cityoforlando.net
P: 407-246-2762



From: MCLEMORE-PRICE, RUTH
Subject: Plans for 1912 S Orange Avenue (Pulse)
Date: June 13, 2016 at 5:47:05 AM PDT
To: JOHNSON, DEMETRIUS <demetrius.johnson@cityoforlando.net>
Cc: SHIHATA, MONIB M. <monib.shihata@cityoforlando.net> , MITCHELL, TAHITISA L. <tisa.mitchell@cityoforlando.net> , Records Dept <records@cityoforlando.net>
Attachments: image.png (56.6 KB)

Good morning SJ;

Tisa and I looked yesterday afternoon for plans for 1912 S Orange in the 2003. We did not locate them. I left 2003 plans out because you are a better finder than I am.

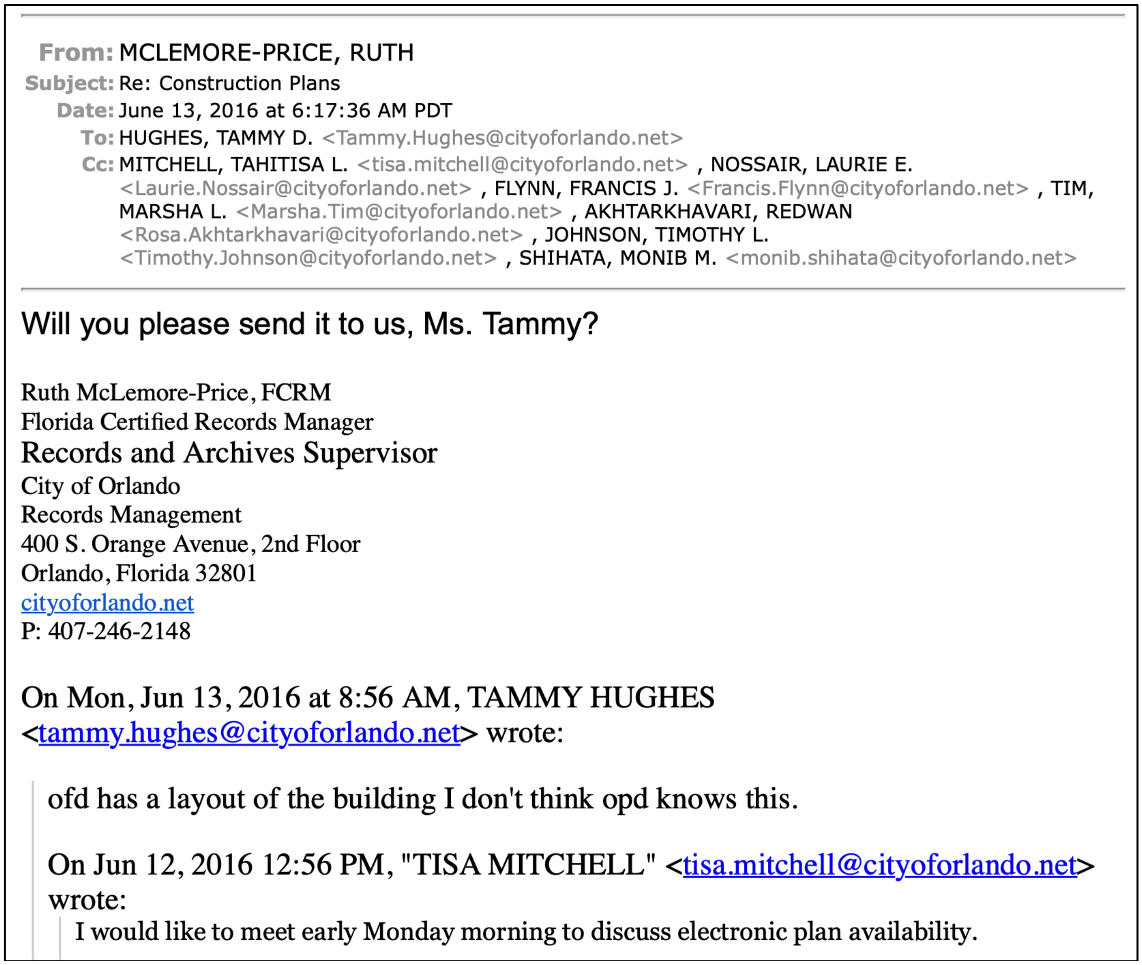
Please search in the 2004s for all plans for 1912 S Orange. Monib is available to help, if you think you will need help. It is critical that we locate these plans as soon as possible.

There are electrical and Engineering plans from 2004 also, but they use the same BLD number.

Thanks,
Ruth and Tisa

Ruth McLemore-Price, FCRM
Florida Certified Records Manager
Records and Archives Supervisor
City of Orlando
Records Management
400 S. Orange Avenue, 2nd Floor
Orlando, Florida 32801
cityoforlando.net
P: 407-246-2762

In the following email, Fire Marshal Tammy Hughes states that the Orlando Fire Department had a layout of the building and she said, “I don’t think the OPD [Orlando Police Department] knows this.” This was the day AFTER the shooting, marking yet another communication failure between the Fire and Police departments.[24]



From: MCLEMORE-PRICE, RUTH
Subject: Re: Construction Plans
Date: June 13, 2016 at 6:17:36 AM PDT
To: HUGHES, TAMMY D. <Tammy.Hughes@cityoforlando.net>
Cc: MITCHELL, TAHITISA L. <tisa.mitchell@cityoforlando.net> , NOSSAIR, LAURIE E. <Laurie.Nossair@cityoforlando.net> , FLYNN, FRANCIS J. <Francis.Flynn@cityoforlando.net> , TIM, MARSHA L. <Marsha.Tim@cityoforlando.net> , AKHTARKHAVARI, REDWAN <Rosa.Akhtarkhavari@cityoforlando.net> , JOHNSON, TIMOTHY L. <Timothy.Johnson@cityoforlando.net> , SHIHATA, MONIB M. <monib.shihata@cityoforlando.net>

Will you please send it to us, Ms. Tammy?

Ruth McLemore-Price, FCRM
Florida Certified Records Manager
Records and Archives Supervisor
City of Orlando
Records Management
400 S. Orange Avenue, 2nd Floor
Orlando, Florida 32801
cityoforlando.net
P: 407-246-2148

On Mon, Jun 13, 2016 at 8:56 AM, TAMMY HUGHES <tammy.hughes@cityoforlando.net> wrote:

> ofd has a layout of the building I don't think opd knows this.
>
> On Jun 12, 2016 12:56 PM, "TISA MITCHELL" <tisa.mitchell@cityoforlando.net> wrote:
>
>> I would like to meet early Monday morning to discuss electronic plan availability.

However, records indicate the OFD only received updated floor plans on March 26, 2008 and again on May 26, 2009 to re-calculate Pulse’s occupant load, which means that the plans the OFD had were also inaccurate at the time of the shooting. We requested all emails sent to/from Tammy Hughes on June 13, 2016 to determine what building plans she sent and if the OFD received newer plans that were never documented.

---

[24] https://www.orlandosentinel.com/news/pulse-orlando-nightclub-shooting/os-pulse-presentation-orlando-police-20170412-story.html

Key Takeaways

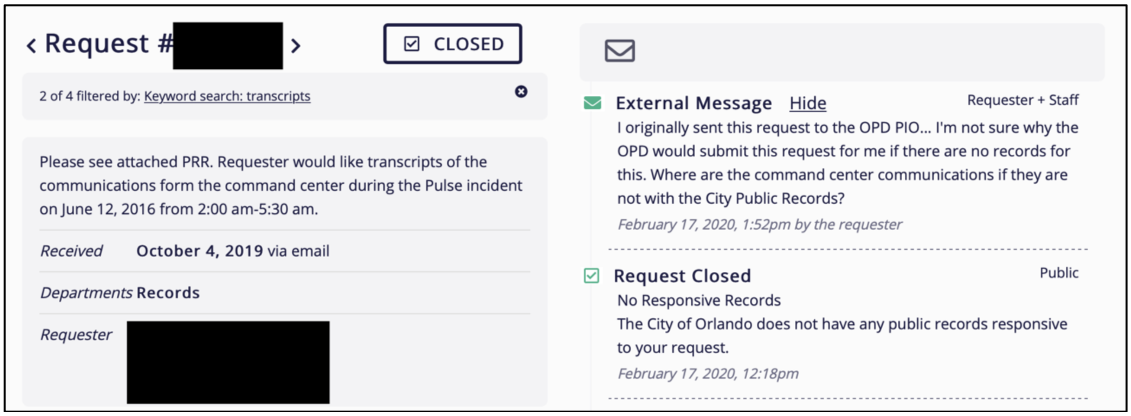
1. Law enforcement officers and first responders to the Pulse shooting did not have access to building plans at any point during the shooting. The hostage situation and rescue took three hours. During that time police navigated the building without knowing its layout, scrambled to determine the layout, and provided hand-drawn layouts to the Command Center crafted on the scene.[25]

2. Accurate building plans were not available to law enforcement, in part, because of unpermitted renovations done to the building by Pulse owners Rosario Poma and Barbara Poma, which significantly altered the interior/exterior of the building. Since building modifications were never permitted, updated building plans were never put into the city's records/permit system.

3. In the aftermath of the shooting, city officials continued to search for accurate, up-to-date building plans. They also met to discuss why the building plans were not available to first responders. The plans provided and sent to media outlets were inaccurate, not showing the second floor where wounded hostages were extracted. To this day (April 27, 2020), **accurate building plans have still never been published or seen.**

4. We requested meeting minutes and all notes taken during the meeting called by Tisa Mitchell on June 12, 2016 (see *3.1: Email from Tisa Mitchell*), as well as from another meeting that took place following the shooting between Tisa Mitchell, Marsha Tim, and Fire Marshal Tammy Hughes on Monday June 13, 2016 from 2:30-3:30 PM titled "RMS" and held at the Orlando Fire Station at 78 W. Central Boulevard.

5. We have also requested all transcripts of communications from the Command Center on June 12, 2016, but was told by the City of Orlando Records Department that there were "no responsive records" after waiting 5 months. Since transcripts are not available, We have requested all Command Center documentation and recordings. This request has not yet been fulfilled by the Orlando Records Department.



‹ Request #[redacted] ›

☑ CLOSED

2 of 4 filtered by: Keyword search: transcripts

Please see attached PRR. Requester would like transcripts of the communications form the command center during the Pulse incident on June 12, 2016 from 2:00 am-5:30 am.

Received **October 4, 2019** via email

Departments **Records**

Requester [redacted]

External Message Hide Requester + Staff

I originally sent this request to the OPD PIO... I'm not sure why the OPD would submit this request for me if there are no records for this. Where are the command center communications if they are not with the City Public Records?

February 17, 2020, 1:52pm by the requester

☑ **Request Closed** Public

No Responsive Records

The City of Orlando does not have any public records responsive to your request.

February 17, 2020, 12:18pm

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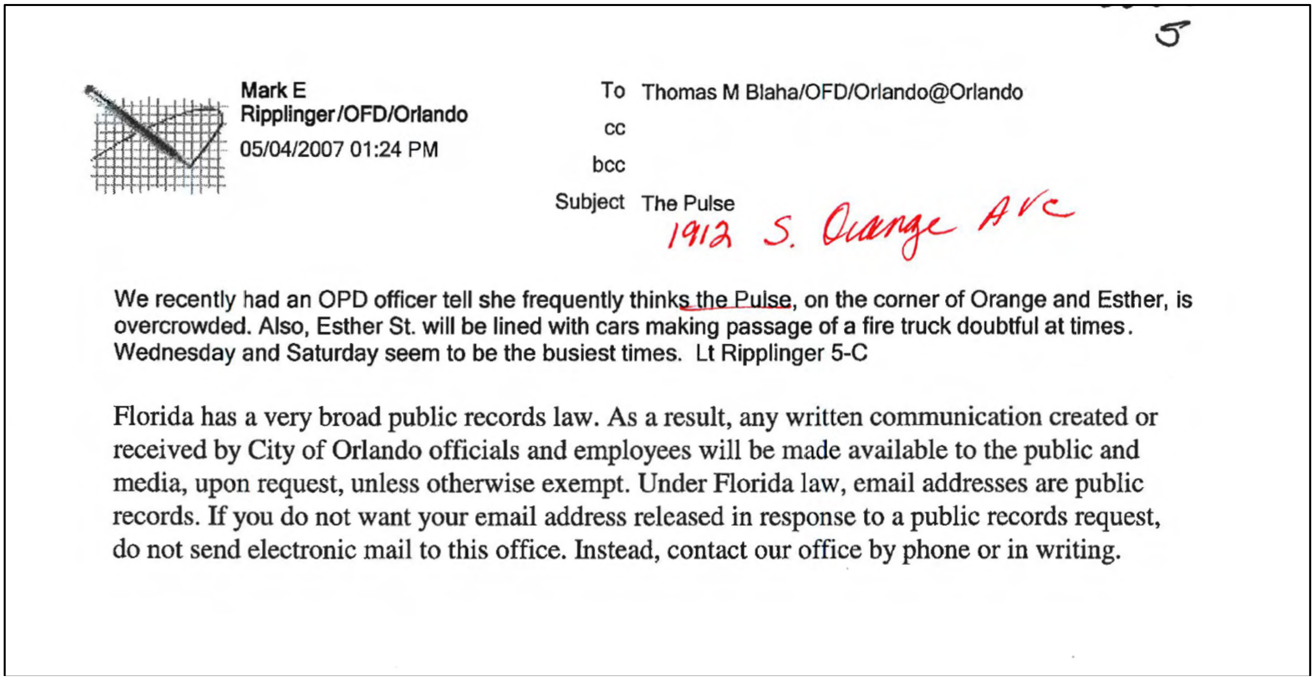
[25] https://www.tampabay.com/news/documents-reveal-chaos-confusion-in-pulse-nightclub-shooting/2283469/, https://miami.cbslocal.com/2016/06/13/did-a-delay-in-police-response-give-orlando-shooter-more-time/, https://www.orlandosentinel.com/news/pulse-orlando-nightclub-shooting/os-next-pulse-911-calls-released-20161116-story.html.

Part IV: Occupancy Violations and Evidence Pulse was Over Capacity

4.1 OPD Officer Reports Overcrowding at Pulse (May 5, 2007)

According to a document released by the City of Orlando on the Pulse Tragedy Public Records page, an OPD officer reported that "she frequently thinks the Pulse, on the corner of Orange and Esther, is overcrowded. Also, Esther St. will be lined with cars making passage of a fire truck doubtful at times. Wednesday and Saturday seem to be the busies times."

This appears to be an email from Lieutenant Mark E. Ripplinger to Thomas M. Blaha (both inspectors with the Orlando Fire Department who conducted fire inspections of Pulse).



5

Mark E Ripplinger/OFD/Orlando
05/04/2007 01:24 PM

To Thomas M Blaha/OFD/Orlando@Orlando
cc
bcc
Subject The Pulse
1912 S. Orange Ave

We recently had an OPD officer tell she frequently thinks the Pulse, on the corner of Orange and Esther, is overcrowded. Also, Esther St. will be lined with cars making passage of a fire truck doubtful at times. Wednesday and Saturday seem to be the busiest times. Lt Ripplinger 5-C

Florida has a very broad public records law. As a result, any written communication created or received by City of Orlando officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

Photos taken of the unpermitted fence from July 14, 2010, show that Pulse had a total of 9 designated parking spots in its parking lot even though its last approved occupant load was 299 and in the nightclub's history it was approved for a much higher occupant load. (see *2.15 The Orlando Sentinel Reports on Exits and Unpermitted Fence*). This is why so many patrons parked on surrounding streets, which was determined by Lt. Ripplinger to be a safety hazard.

4.2 Repeat Occupancy Violations and Notices

Fire inspection records document a long history of Pulse owners and management failing to properly maintain its occupancy load or post its occupancy load sign. These violations and citations included:

1. “Must maintain occupant load at all times” (May 17, 2007)
2. “Must maintain occ load that is posted at all times. Must post occ load sign at all times” (June 5, 2008)[26]
3. “Occupants must maintain an accurate count of patrons in as well as those who exit. Clicker must [be] used by front desk cashier to ensure accurate patronage count” (September 26, 2008)
4. Maintain accurate count at front door on hand held clicker, make sure all exits unlocked, and repair exit light empt[y]ing onto porch” (May 30, 2009)
5. “MUST MAINTAIN ACCURATE occupancy count at all times, utilizing hand held clickers” (January 22, 2010)
6. ““MUST MAINTAIN ACCURATE occupancy count at all times, utilizing hand held clickers” (March 9, 2010)
7. “Keep an accurate count on occupancy” (January 30, 2016)

Each of these records can be seen on the following pages and they contradict information passed on by city officials after the shooting that claimed, “There was no pattern of being over capacity” (see *2.20: City of Orlando’s Q&A*). There are also additional records of the occupational load sign not being posted from February 4, 2009 that are not included in this report, but are available on the Pulse Tragedy Public Records page along with the records that are included.

Records also indicate that complaints about Pulse were so frequent that some were not taken seriously by the City of Orlando (see *2.4 Reported Violation: Unpermitted Bar*).

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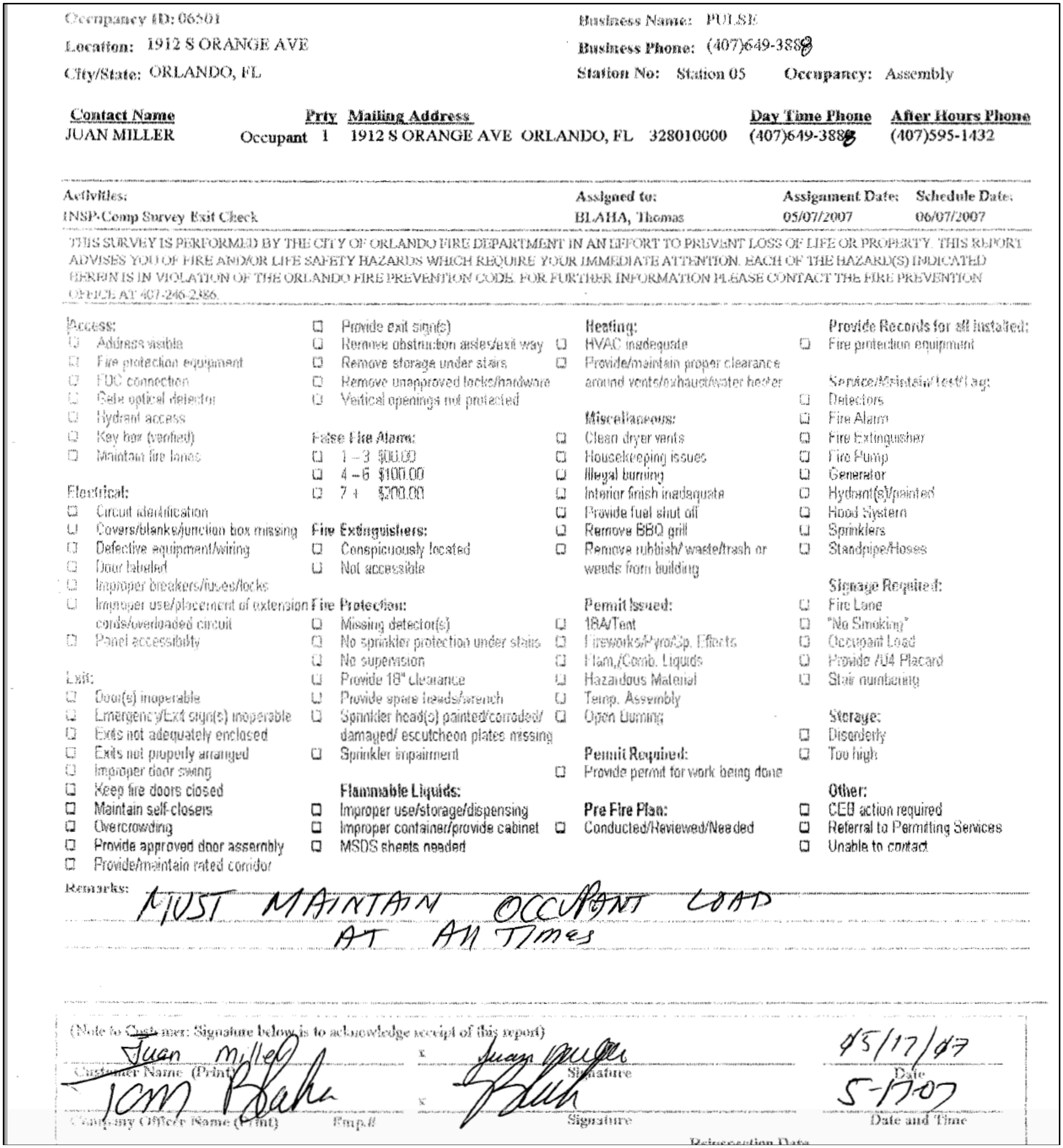
[26] An additional record was located referring to Incident Report #2008-0024306-000 and notices to maintain occupant load at all times and post occupant load sign at all times. This Incident Report was requested, but has not yet been released.



Occupancy ID: 06501
Location: 1912 S ORANGE AVE
City/State: ORLANDO, FL

Business Name: PULSE
Business Phone: (407)649-3888
Station No: Station 05 Occupancy: Assembly

Contact Name		Prty	Mailing Address	Day Time Phone	After Hours Phone
JUAN MILLER	Occupant	1	1912 S ORANGE AVE ORLANDO, FL 328010000	(407)649-3888	(407)595-1432

Activities:	Assigned to:	Assignment Date:	Schedule Date:
INSP-Comp Survey Exit Check	BLAHA, Thomas	05/07/2007	06/07/2007

THIS SURVEY IS PERFORMED BY THE CITY OF ORLANDO FIRE DEPARTMENT IN AN EFFORT TO PREVENT LOSS OF LIFE OR PROPERTY. THIS REPORT ADVISES YOU OF FIRE AND/OR LIFE SAFETY HAZARDS WHICH REQUIRE YOUR IMMEDIATE ATTENTION. EACH OF THE HAZARD(S) INDICATED HEREIN IS IN VIOLATION OF THE ORLANDO FIRE PREVENTION CODE. FOR FURTHER INFORMATION PLEASE CONTACT THE FIRE PREVENTION OFFICE AT 407-246-2386.

Access:
☐ Address visible
☐ Fire protection equipment
☐ FDC connection
☐ Gate optical detector
☐ Hydrant access
☐ Key box (verified)
☐ Maintain fire lanes

Electrical:
☐ Circuit identification
☐ Covers/blanks/junction box missing
☐ Defective equipment/wiring
☐ Door labeled
☐ Improper breakers/fuses/locks
☐ Improper use/placement of extension cords/overloaded circuit
☐ Panel accessibility

Exit:
☐ Door(s) inoperable
☐ Emergency/Exit sign(s) inoperable
☐ Exits not adequately enclosed
☐ Exits not properly arranged
☐ Improper door swing
☐ Keep fire doors closed
☐ Maintain self-closers
☐ Overcrowding
☐ Provide approved door assembly
☐ Provide/maintain rated corridor

☐ Provide exit sign(s)
☐ Remove obstruction aisles/exit way
☐ Remove storage under stairs
☐ Remove unapproved locks/hardware
☐ Vertical openings not protected

False Fire Alarm:
☐ 1 – 3 $00.00
☐ 4 – 6 $100.00
☐ 7 + $200.00

Fire Extinguishers:
☐ Conspicuously located
☐ Not accessible

Fire Protection:
☐ Missing detector(s)
☐ No sprinkler protection under stairs
☐ No supervision
☐ Provide 18" clearance
☐ Provide spare heads/wrench
☐ Sprinkler head(s) painted/corroded/damaged/ escutcheon plates missing
☐ Sprinkler impairment

Flammable Liquids:
☐ Improper use/storage/dispensing
☐ Improper container/provide cabinet
☐ MSDS sheets needed

Heating:
☐ HVAC inadequate
☐ Provide/maintain proper clearance around vents/exhaust/water heater

Miscellaneous:
☐ Clean dryer vents
☐ Housekeeping issues
☐ Illegal burning
☐ Interior finish inadequate
☐ Provide fuel shut off
☐ Remove BBQ grill
☐ Remove rubbish/ waste/trash or weeds from building

Permit Issued:
☐ 18A/Tent
☐ Fireworks/Pyro/Sp. Effects
☐ Flam./Comb. Liquids
☐ Hazardous Material
☐ Temp. Assembly
☐ Open Burning

Permit Required:
☐ Provide permit for work being done

Pre Fire Plan:
☐ Conducted/Reviewed/Needed

Provide Records for all installed:
☐ Fire protection equipment

Service/Maintain/Test/Tag:
☐ Detectors
☐ Fire Alarm
☐ Fire Extinguisher
☐ Fire Pump
☐ Generator
☐ Hydrant(s)/painted
☐ Hood System
☐ Sprinklers
☐ Standpipe/Hoses

Signage Required:
☐ Fire Lane
☐ "No Smoking"
☐ Occupant Load
☐ Provide 704 Placard
☐ Stair numbering

Storage:
☐ Disorderly
☐ Too high

Other:
☐ CEB action required
☐ Referral to Permitting Services
☐ Unable to contact

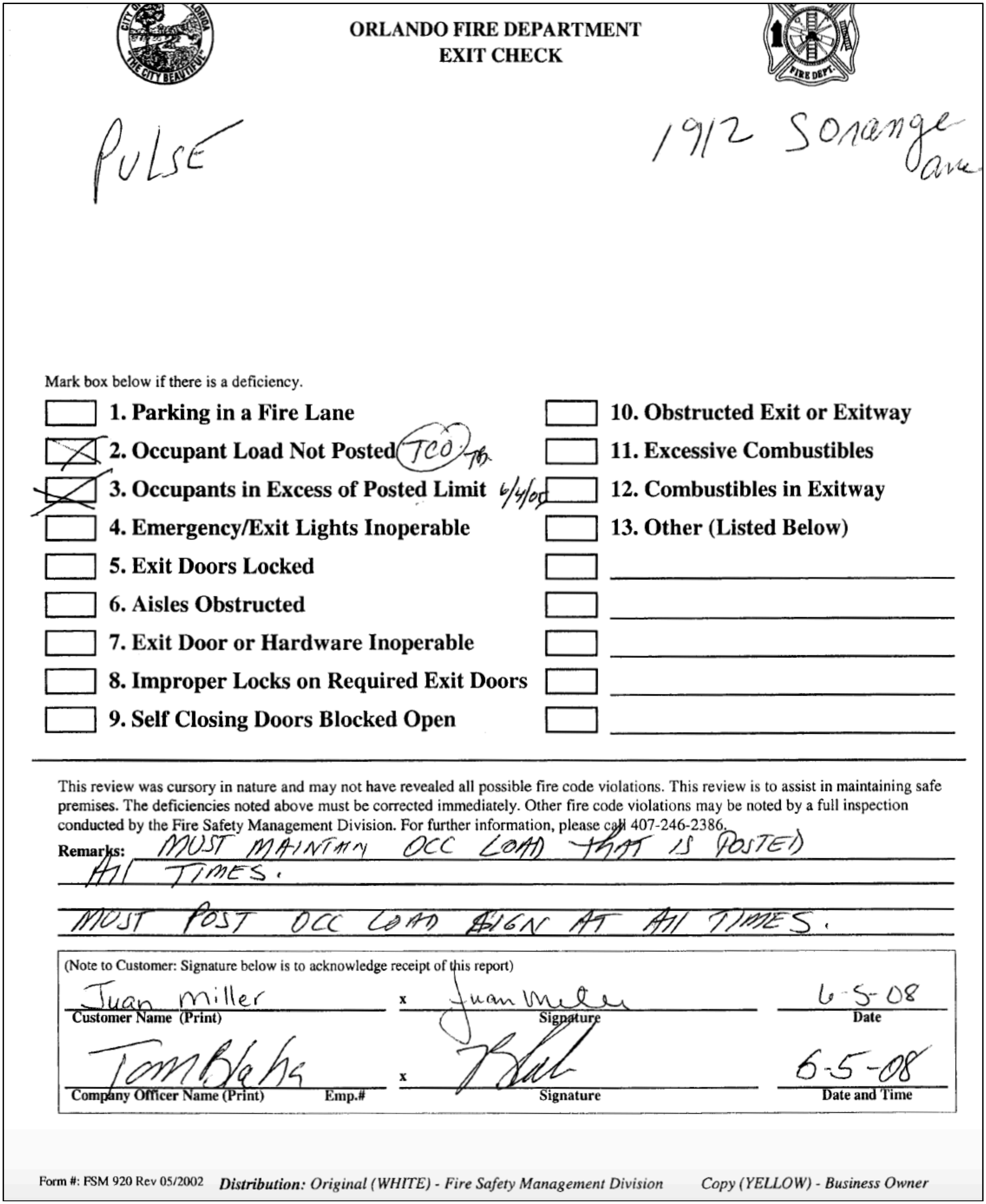
Remarks: MUST MAINTAIN OCCUPANT LOAD AT All Times

(Note to Customer: Signature below is to acknowledge receipt of this report)

Juan Miller
Customer Name (Print) x Juan Miller
Signature 05/17/07
Date

TOM Blaha
Company Officer Name (Print) Emp.# x
Signature 5-17-07
Date and Time

Reinspection Date



ORLANDO FIRE DEPARTMENT
EXIT CHECK

PULSE

1912 S Orange Ave

Mark box below if there is a deficiency.

- ☐ **1. Parking in a Fire Lane**
- ☒ **2. Occupant Load Not Posted** TCO TB
- ☒ **3. Occupants in Excess of Posted Limit** 6/4/08
- ☐ **4. Emergency/Exit Lights Inoperable**
- ☐ **5. Exit Doors Locked**
- ☐ **6. Aisles Obstructed**
- ☐ **7. Exit Door or Hardware Inoperable**
- ☐ **8. Improper Locks on Required Exit Doors**
- ☐ **9. Self Closing Doors Blocked Open**
- ☐ **10. Obstructed Exit or Exitway**
- ☐ **11. Excessive Combustibles**
- ☐ **12. Combustibles in Exitway**
- ☐ **13. Other (Listed Below)**
- ☐ ____________
- ☐ ____________
- ☐ ____________
- ☐ ____________
- ☐ ____________

This review was cursory in nature and may not have revealed all possible fire code violations. This review is to assist in maintaining safe premises. The deficiencies noted above must be corrected immediately. Other fire code violations may be noted by a full inspection conducted by the Fire Safety Management Division. For further information, please call 407-246-2386.

Remarks: MUST MAINTAIN OCC LOAD THAT IS POSTED AT ALL TIMES.

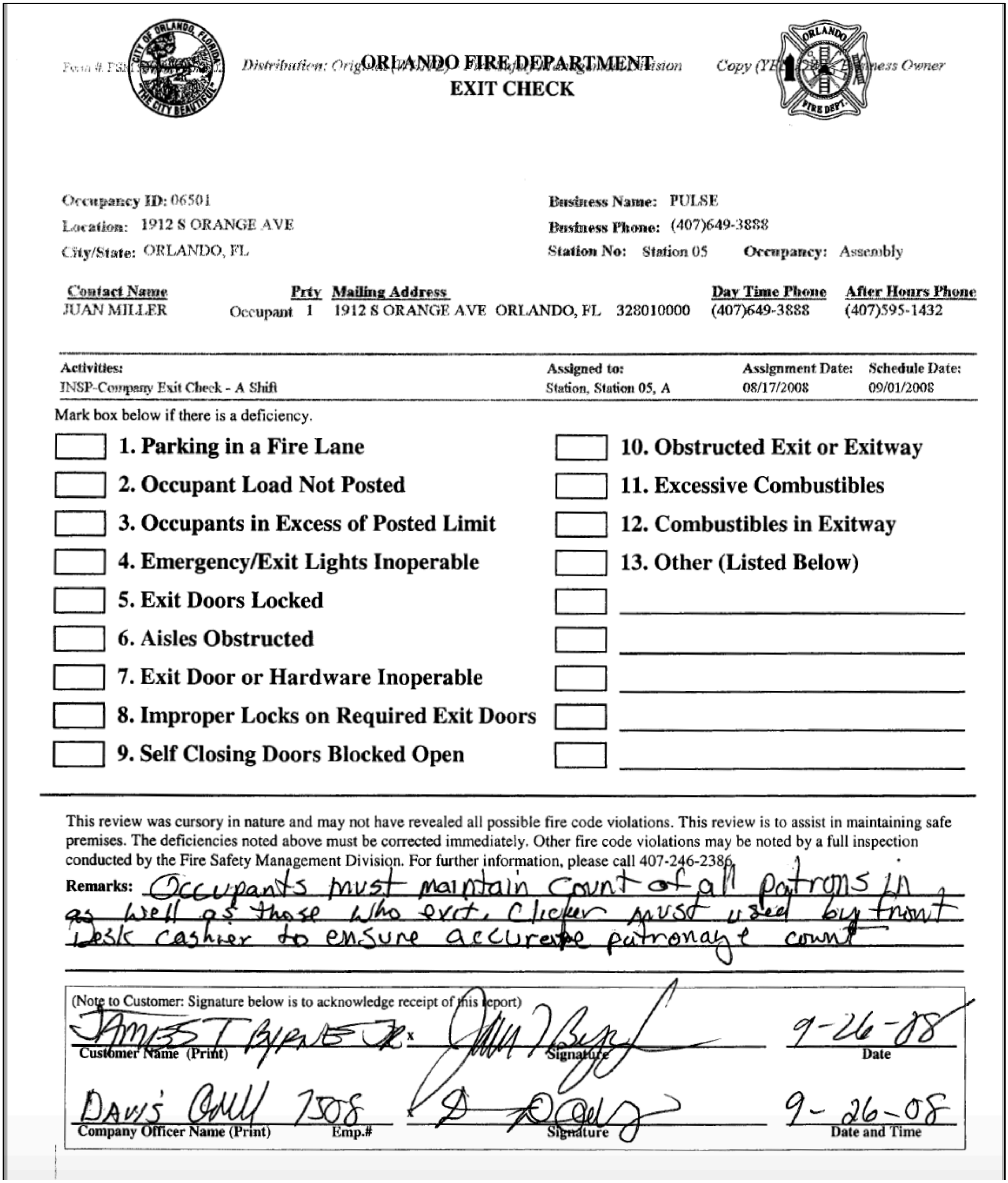
MUST POST OCC LOAD SIGN AT ALL TIMES.

(Note to Customer: Signature below is to acknowledge receipt of this report)

Juan Miller — **Customer Name (Print)** x Juan Miller **Signature** 6-5-08 **Date**

Tom Blaha — **Company Officer Name (Print)** **Emp.#** x **Signature** 6-5-08 **Date and Time**

Form #: FSM 920 Rev 05/2002 *Distribution: Original (WHITE) - Fire Safety Management Division* *Copy (YELLOW) - Business Owner*



Form # FSM [illegible] Distribution: Orig [illegible] ision Copy (YE [illegible] ness Owner

ORLANDO FIRE DEPARTMENT
EXIT CHECK

Occupancy ID: 06501
Location: 1912 S ORANGE AVE
City/State: ORLANDO, FL

Business Name: PULSE
Business Phone: (407)649-3888
Station No: Station 05 **Occupancy:** Assembly

Contact Name		**Prty**	**Mailing Address**	**Day Time Phone**	**After Hours Phone**
JUAN MILLER	Occupant	1	1912 S ORANGE AVE ORLANDO, FL 328010000	(407)649-3888	(407)595-1432

Activities:	**Assigned to:**	**Assignment Date:**	**Schedule Date:**
INSP-Company Exit Check - A Shift	Station, Station 05, A	08/17/2008	09/01/2008

Mark box below if there is a deficiency.

- ☐ **1. Parking in a Fire Lane**
- ☐ **2. Occupant Load Not Posted**
- ☐ **3. Occupants in Excess of Posted Limit**
- ☐ **4. Emergency/Exit Lights Inoperable**
- ☐ **5. Exit Doors Locked**
- ☐ **6. Aisles Obstructed**
- ☐ **7. Exit Door or Hardware Inoperable**
- ☐ **8. Improper Locks on Required Exit Doors**
- ☐ **9. Self Closing Doors Blocked Open**
- ☐ **10. Obstructed Exit or Exitway**
- ☐ **11. Excessive Combustibles**
- ☐ **12. Combustibles in Exitway**
- ☐ **13. Other (Listed Below)**
- ☐ ____________________
- ☐ ____________________
- ☐ ____________________
- ☐ ____________________
- ☐ ____________________

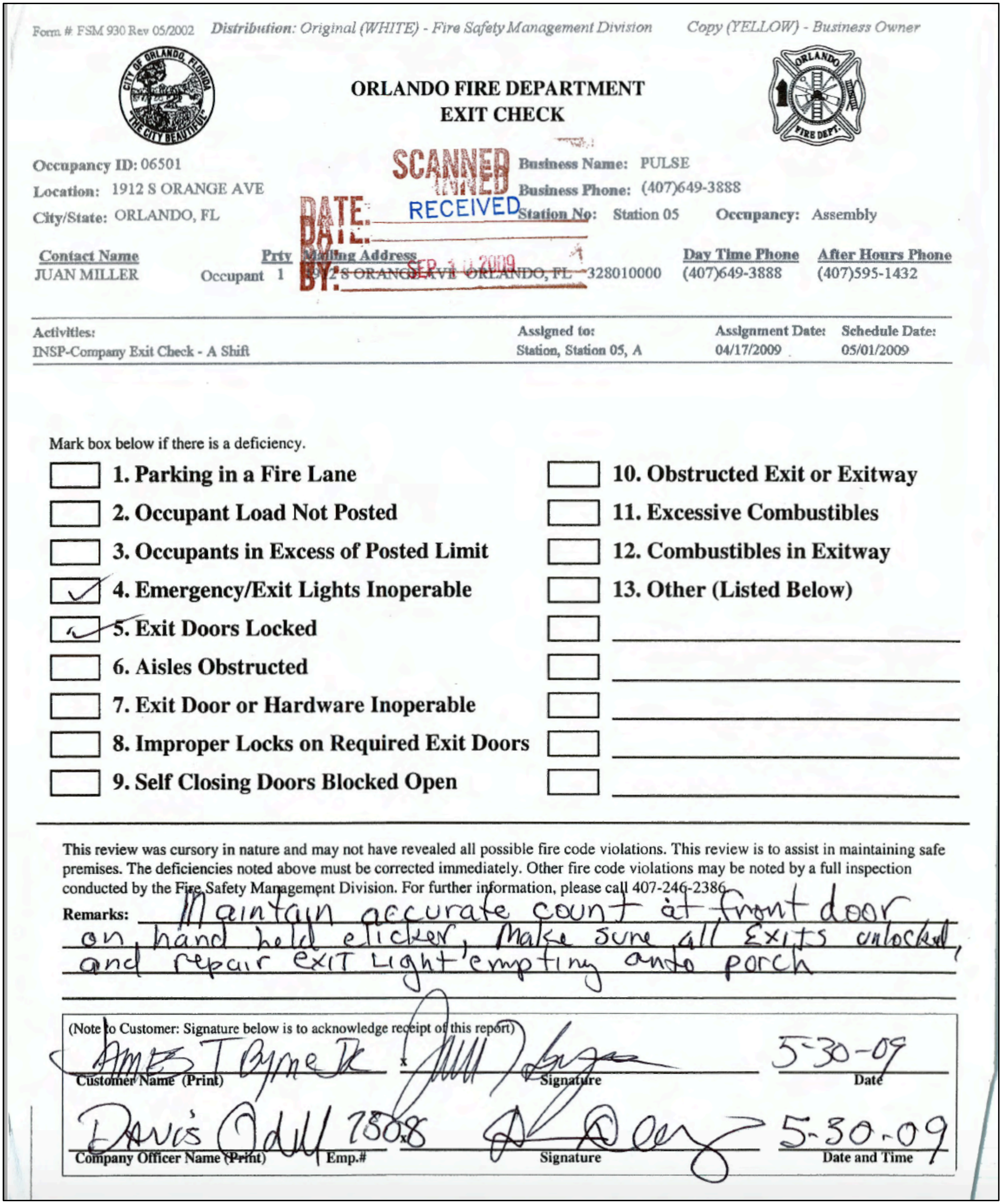
This review was cursory in nature and may not have revealed all possible fire code violations. This review is to assist in maintaining safe premises. The deficiencies noted above must be corrected immediately. Other fire code violations may be noted by a full inspection conducted by the Fire Safety Management Division. For further information, please call 407-246-2386.

Remarks: Occupants must maintain count of all patrons in as well as those who exit. Clicker must used by front Desk cashier to ensure accurate patronage count

(Note to Customer: Signature below is to acknowledge receipt of this report)

JAMES T BYRNE JR x 9-26-08
Customer Name (Print) **Signature** **Date**

DAVIS ODELL 7508 x 9-26-08
Company Officer Name (Print) **Emp.#** **Signature** **Date and Time**



Form # FSM 930 Rev 05/2002 *Distribution: Original (WHITE) - Fire Safety Management Division* *Copy (YELLOW) - Business Owner*

ORLANDO FIRE DEPARTMENT
EXIT CHECK

SCANNED
DATE: RECEIVED
BY: SEP 10 2009

Occupancy ID: 06501
Location: 1912 S ORANGE AVE
City/State: ORLANDO, FL

Business Name: PULSE
Business Phone: (407)649-3888
Station No: Station 05 **Occupancy:** Assembly

Contact Name		Prty	Mailing Address	Day Time Phone	After Hours Phone
JUAN MILLER	Occupant	1	1912 S ORANGE AVE ORLANDO, FL 328010000	(407)649-3888	(407)595-1432

Activities:	Assigned to:	Assignment Date:	Schedule Date:
INSP-Company Exit Check - A Shift	Station, Station 05, A	04/17/2009	05/01/2009

Mark box below if there is a deficiency.

- ☐ **1. Parking in a Fire Lane**
- ☐ **2. Occupant Load Not Posted**
- ☐ **3. Occupants in Excess of Posted Limit**
- ☑ **4. Emergency/Exit Lights Inoperable**
- ☑ **5. Exit Doors Locked**
- ☐ **6. Aisles Obstructed**
- ☐ **7. Exit Door or Hardware Inoperable**
- ☐ **8. Improper Locks on Required Exit Doors**
- ☐ **9. Self Closing Doors Blocked Open**
- ☐ **10. Obstructed Exit or Exitway**
- ☐ **11. Excessive Combustibles**
- ☐ **12. Combustibles in Exitway**
- ☐ **13. Other (Listed Below)**
- ☐ ____________
- ☐ ____________
- ☐ ____________
- ☐ ____________
- ☐ ____________

This review was cursory in nature and may not have revealed all possible fire code violations. This review is to assist in maintaining safe premises. The deficiencies noted above must be corrected immediately. Other fire code violations may be noted by a full inspection conducted by the Fire Safety Management Division. For further information, please call 407-246-2386.

Remarks: Maintain accurate count at front door on hand held clicker, Make sure all Exits unlocked, and repair EXIT Light emptying onto porch

(Note to Customer: Signature below is to acknowledge receipt of this report)

JAMES T Byrne Jr
Customer Name (Print)

x ____________
Signature

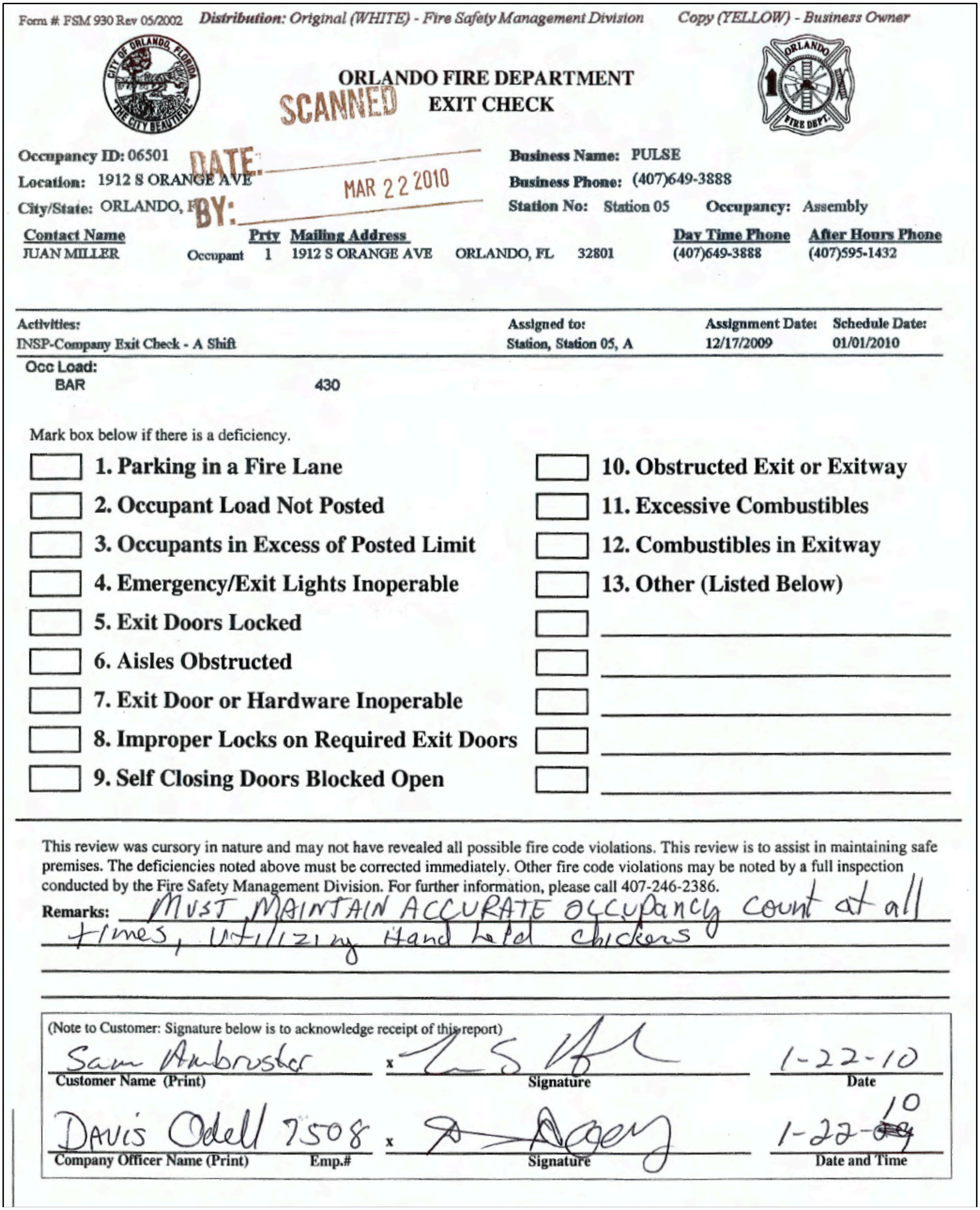
5-30-09
Date

DAVIS Odell
Company Officer Name (Print)

7808
Emp.#

x ____________
Signature

5-30-09
Date and Time


Form # FSM 930 Rev 05/2002 *Distribution: Original (WHITE) - Fire Safety Management Division* *Copy (YELLOW) - Business Owner*

ORLANDO FIRE DEPARTMENT
EXIT CHECK

SCANNED

DATE: MAR 22 2010

BY:

Occupancy ID: 06501
Location: 1912 S ORANGE AVE
City/State: ORLANDO, F

Business Name: PULSE
Business Phone: (407)649-3888
Station No: Station 05 **Occupancy:** Assembly

Contact Name		Prty	Mailing Address			Day Time Phone	After Hours Phone
JUAN MILLER	Occupant	1	1912 S ORANGE AVE	ORLANDO, FL	32801	(407)649-3888	(407)595-1432

Activities:	Assigned to:	Assignment Date:	Schedule Date:
INSP-Company Exit Check - A Shift	Station, Station 05, A	12/17/2009	01/01/2010

Occ Load:
BAR 430

Mark box below if there is a deficiency.

- ☐ **1. Parking in a Fire Lane**
- ☐ **2. Occupant Load Not Posted**
- ☐ **3. Occupants in Excess of Posted Limit**
- ☐ **4. Emergency/Exit Lights Inoperable**
- ☐ **5. Exit Doors Locked**
- ☐ **6. Aisles Obstructed**
- ☐ **7. Exit Door or Hardware Inoperable**
- ☐ **8. Improper Locks on Required Exit Doors**
- ☐ **9. Self Closing Doors Blocked Open**
- ☐ **10. Obstructed Exit or Exitway**
- ☐ **11. Excessive Combustibles**
- ☐ **12. Combustibles in Exitway**
- ☐ **13. Other (Listed Below)**
- ☐ ____________
- ☐ ____________
- ☐ ____________
- ☐ ____________
- ☐ ____________

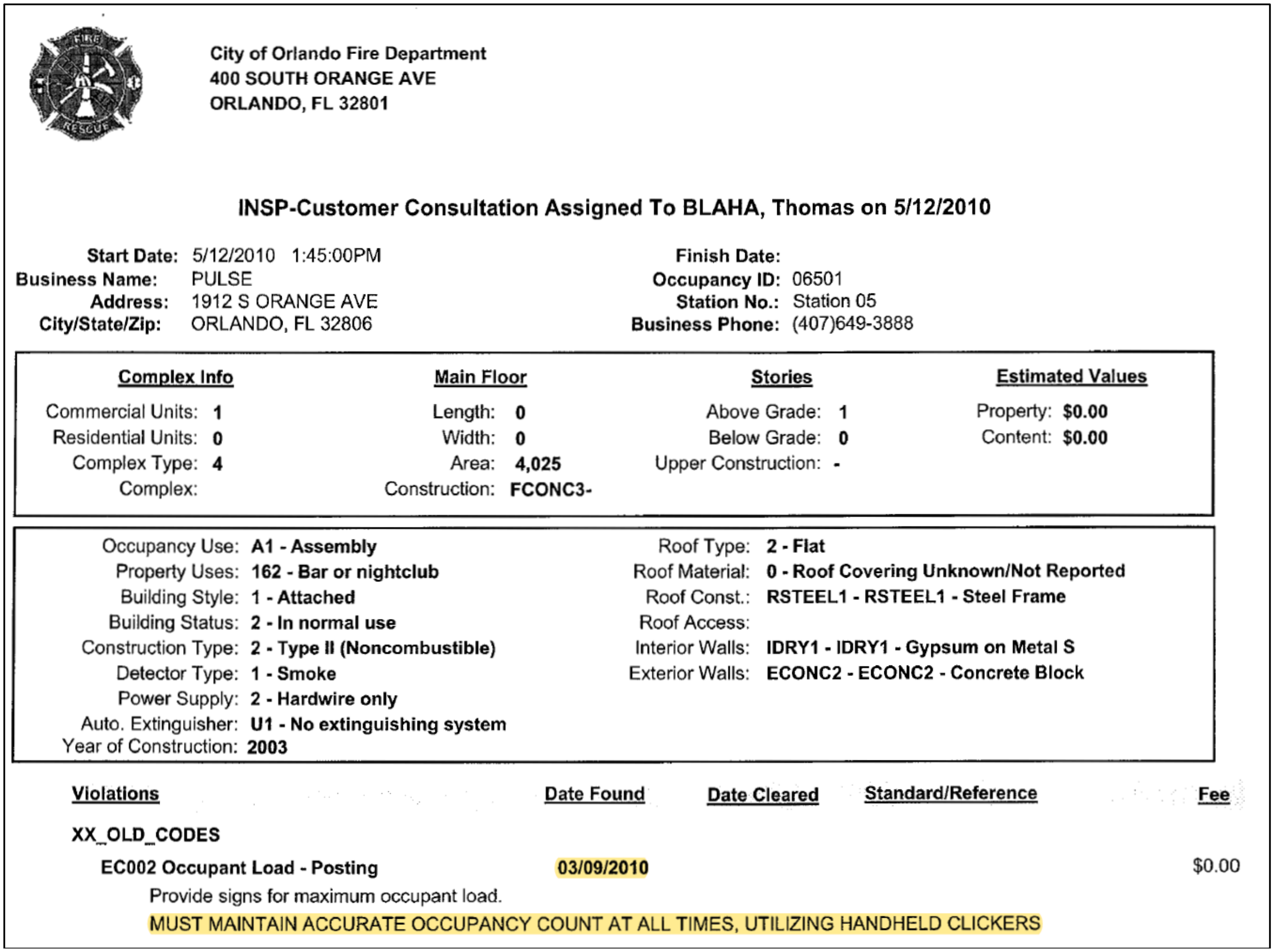
This review was cursory in nature and may not have revealed all possible fire code violations. This review is to assist in maintaining safe premises. The deficiencies noted above must be corrected immediately. Other fire code violations may be noted by a full inspection conducted by the Fire Safety Management Division. For further information, please call 407-246-2386.

Remarks: MUST MAINTAIN ACCURATE OCCUPANCY count at all times, Utilizing Hand held clickers

(Note to Customer: Signature below is to acknowledge receipt of this report)

Sam Ambruster x 1-22-10
Customer Name (Print) **Signature** **Date**

DAVIS Odell 7508 x 1-22-~~09~~ 10
Company Officer Name (Print) **Emp.#** **Signature** **Date and Time**



City of Orlando Fire Department
400 SOUTH ORANGE AVE
ORLANDO, FL 32801

INSP-Customer Consultation Assigned To BLAHA, Thomas on 5/12/2010

Start Date: 5/12/2010 1:45:00PM
Business Name: PULSE
Address: 1912 S ORANGE AVE
City/State/Zip: ORLANDO, FL 32806

Finish Date:
Occupancy ID: 06501
Station No.: Station 05
Business Phone: (407)649-3888

Complex Info		**Main Floor**		**Stories**		**Estimated Values**	
Commercial Units:	**1**	Length:	**0**	Above Grade:	**1**	Property:	**$0.00**
Residential Units:	**0**	Width:	**0**	Below Grade:	**0**	Content:	**$0.00**
Complex Type:	**4**	Area:	**4,025**	Upper Construction:	**-**		
Complex:		Construction:	**FCONC3-**				

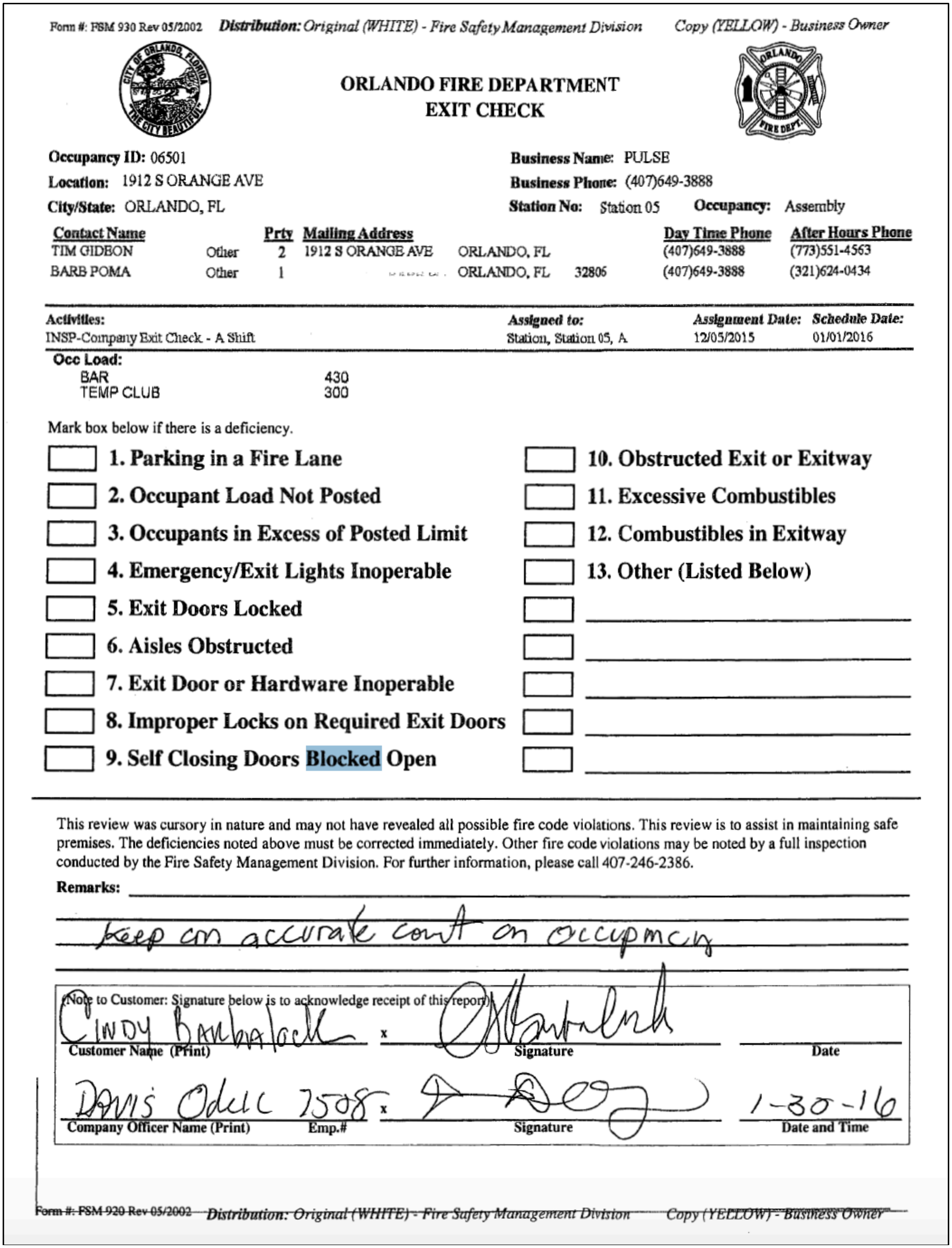
Occupancy Use: **A1 - Assembly**
Property Uses: **162 - Bar or nightclub**
Building Style: **1 - Attached**
Building Status: **2 - In normal use**
Construction Type: **2 - Type II (Noncombustible)**
Detector Type: **1 - Smoke**
Power Supply: **2 - Hardwire only**
Auto. Extinguisher: **U1 - No extinguishing system**
Year of Construction: **2003**

Roof Type: **2 - Flat**
Roof Material: **0 - Roof Covering Unknown/Not Reported**
Roof Const.: **RSTEEL1 - RSTEEL1 - Steel Frame**
Roof Access:
Interior Walls: **IDRY1 - IDRY1 - Gypsum on Metal S**
Exterior Walls: **ECONC2 - ECONC2 - Concrete Block**

Violations	**Date Found**	**Date Cleared**	**Standard/Reference**	**Fee**
XX_OLD_CODES				
EC002 Occupant Load - Posting	**03/09/2010**			$0.00

Provide signs for maximum occupant load.

MUST MAINTAIN ACCURATE OCCUPANCY COUNT AT ALL TIMES, UTILIZING HANDHELD CLICKERS



Form #: FSM 930 Rev 05/2002 **Distribution:** *Original (WHITE) - Fire Safety Management Division* *Copy (YELLOW) - Business Owner*

ORLANDO FIRE DEPARTMENT
EXIT CHECK

Occupancy ID: 06501
Location: 1912 S ORANGE AVE
City/State: ORLANDO, FL

Business Name: PULSE
Business Phone: (407)649-3888
Station No: Station 05 **Occupancy:** Assembly

Contact Name		Prty	Mailing Address			Day Time Phone	After Hours Phone
TIM GIDEON	Other	2	1912 S ORANGE AVE	ORLANDO, FL		(407)649-3888	(773)551-4563
BARB POMA	Other	1	[illegible]	ORLANDO, FL	32806	(407)649-3888	(321)624-0434

Activities:	Assigned to:	Assignment Date:	Schedule Date:
INSP-Company Exit Check - A Shift	Station, Station 05, A	12/05/2015	01/01/2016

Occ Load:

BAR	430
TEMP CLUB	300

Mark box below if there is a deficiency.

☐ **1. Parking in a Fire Lane**
☐ **2. Occupant Load Not Posted**
☐ **3. Occupants in Excess of Posted Limit**
☐ **4. Emergency/Exit Lights Inoperable**
☐ **5. Exit Doors Locked**
☐ **6. Aisles Obstructed**
☐ **7. Exit Door or Hardware Inoperable**
☐ **8. Improper Locks on Required Exit Doors**
☐ **9. Self Closing Doors Blocked Open**
☐ **10. Obstructed Exit or Exitway**
☐ **11. Excessive Combustibles**
☐ **12. Combustibles in Exitway**
☐ **13. Other (Listed Below)**
☐ ______
☐ ______
☐ ______
☐ ______
☐ ______

This review was cursory in nature and may not have revealed all possible fire code violations. This review is to assist in maintaining safe premises. The deficiencies noted above must be corrected immediately. Other fire code violations may be noted by a full inspection conducted by the Fire Safety Management Division. For further information, please call 407-246-2386.

Remarks:

keep an accurate count on occupancy

(Note to Customer: Signature below is to acknowledge receipt of this report)

Cindy Barbalock x

Customer Name (Print) **Signature** **Date**

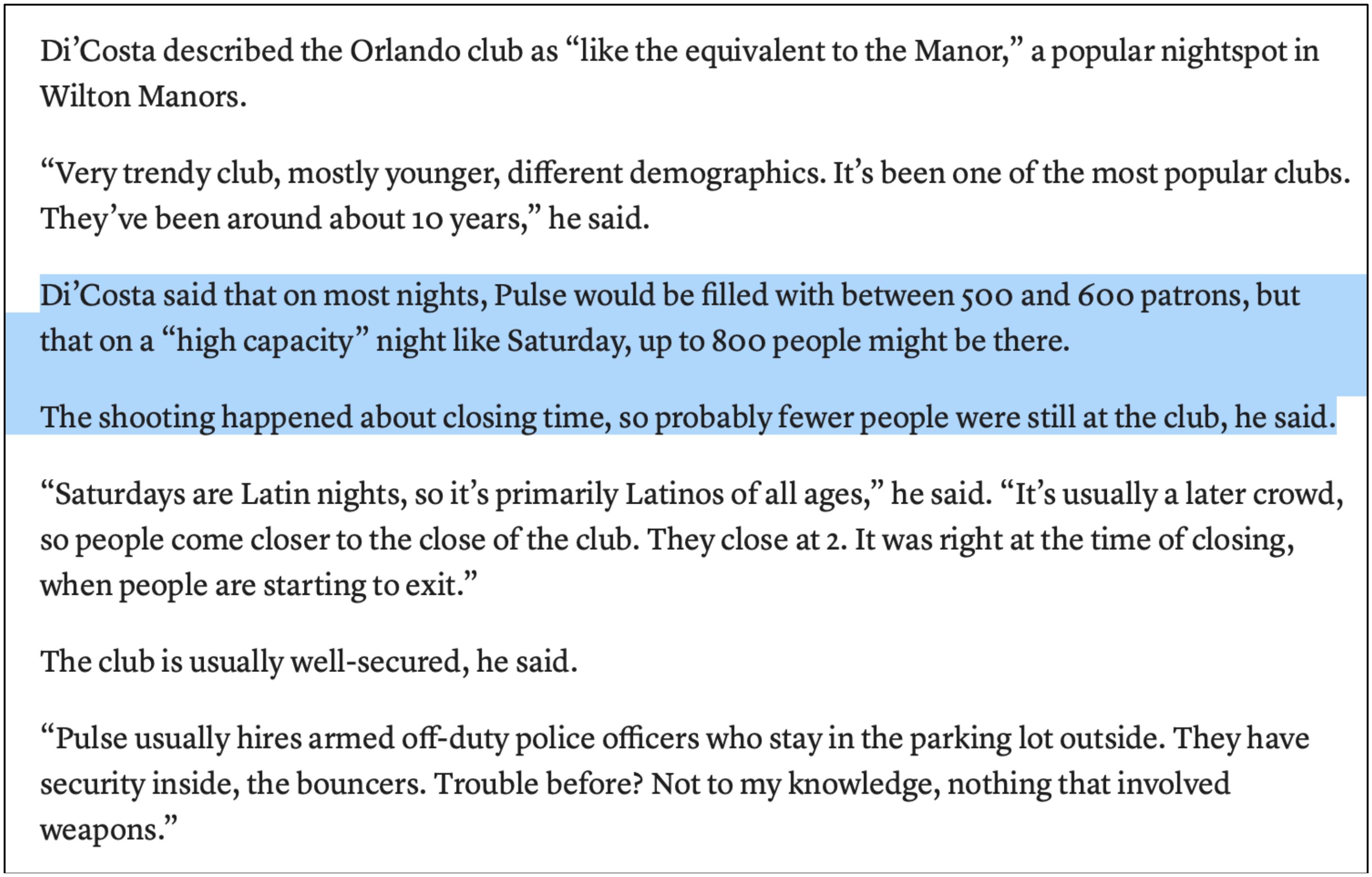
Davis Odell 7508 x 1-30-16

Company Officer Name (Print) **Emp.#** **Signature** **Date and Time**

Form #: FSM 920 Rev 05/2002 **Distribution:** *Original (WHITE) - Fire Safety Management Division* *Copy (YELLOW) - Business Owner*

4.3 History of Crowded Conditions at Pulse

Pulse was well-known for its frequent overcrowding. In the *Miami Herald*, former Pulse dancer Benjamin Di'Costa said that on most nights, Pulse would be filled with between 500 and 600 patrons. On "high capacity" nights, up to 800 people might be there.[27]



Di'Costa described the Orlando club as "like the equivalent to the Manor," a popular nightspot in Wilton Manors.

"Very trendy club, mostly younger, different demographics. It's been one of the most popular clubs. They've been around about 10 years," he said.

Di'Costa said that on most nights, Pulse would be filled with between 500 and 600 patrons, but that on a "high capacity" night like Saturday, up to 800 people might be there.

The shooting happened about closing time, so probably fewer people were still at the club, he said.

"Saturdays are Latin nights, so it's primarily Latinos of all ages," he said. "It's usually a later crowd, so people come closer to the close of the club. They close at 2. It was right at the time of closing, when people are starting to exit."

The club is usually well-secured, he said.

"Pulse usually hires armed off-duty police officers who stay in the parking lot outside. They have security inside, the bouncers. Trouble before? Not to my knowledge, nothing that involved weapons."

Di'Costa's speculation was based on his experience working at Pulse, which city records show has a documented history of operating above its legal capacity. However, there is also evidence of Pulse's capacity issues outside of city records.

For example, we collected numerous photos via social media platforms and internet research that show crowded conditions inside of Pulse on different nights between 2010-2016. A sample of these photos is provided on the following pages.

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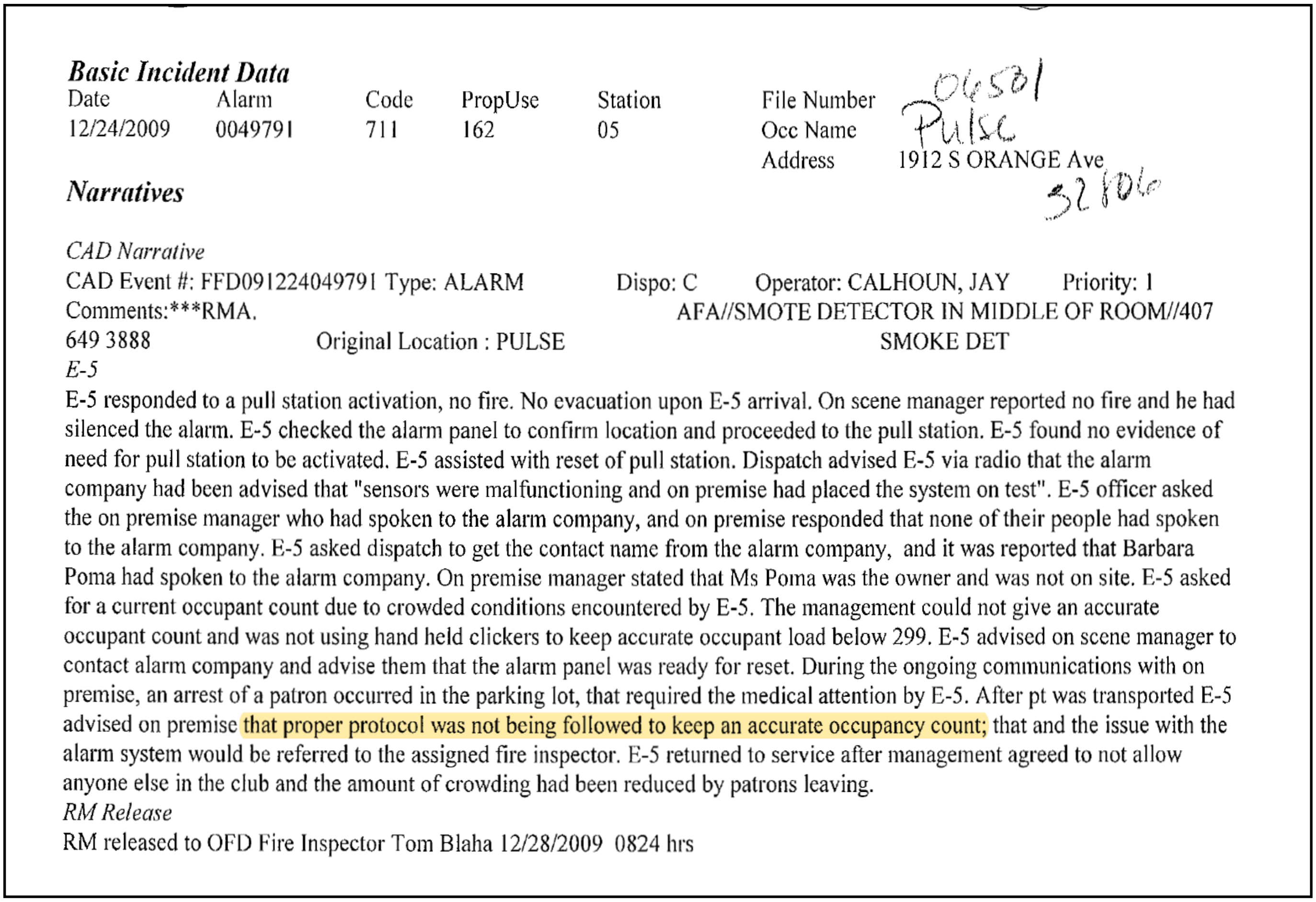
[27] https://www.miamiherald.com/news/local/community/gay-south-florida/article83301677.html

EXIT

4.4 Incident Report: Crowding, Proper Protocol Not Being Followed (December 24, 2009)

After responding to a false fire alarm, the Orlando Fire Department (OFD) documented “crowded conditions” at Pulse. The report states, “The management could not give an accurate occupant count and was not using hand held clickers to keep accurate occupant load below 299.” The report also states that after a patron was arrested and transported for medical attention, E-5 “advised on premise that proper protocol was not being followed to keep an accurate occupancy count… E-5 returned to service after management agreed not to let anyone else in the club and the amount of crowding had been reduced by patrons leaving.”



Basic Incident Data

Date	Alarm	Code	PropUse	Station
12/24/2009	0049791	711	162	05

File Number 06581
Occ Name Pulse
Address 1912 S ORANGE Ave 32806

Narratives

CAD Narrative

CAD Event #: FFD091224049791 Type: ALARM Dispo: C Operator: CALHOUN, JAY Priority: 1
Comments:***RMA. AFA//SMOTE DETECTOR IN MIDDLE OF ROOM//407 649 3888 Original Location : PULSE SMOKE DET

E-5

E-5 responded to a pull station activation, no fire. No evacuation upon E-5 arrival. On scene manager reported no fire and he had silenced the alarm. E-5 checked the alarm panel to confirm location and proceeded to the pull station. E-5 found no evidence of need for pull station to be activated. E-5 assisted with reset of pull station. Dispatch advised E-5 via radio that the alarm company had been advised that "sensors were malfunctioning and on premise had placed the system on test". E-5 officer asked the on premise manager who had spoken to the alarm company, and on premise responded that none of their people had spoken to the alarm company. E-5 asked dispatch to get the contact name from the alarm company, and it was reported that Barbara Poma had spoken to the alarm company. On premise manager stated that Ms Poma was the owner and was not on site. E-5 asked for a current occupant count due to crowded conditions encountered by E-5. The management could not give an accurate occupant count and was not using hand held clickers to keep accurate occupant load below 299. E-5 advised on scene manager to contact alarm company and advise them that the alarm panel was ready for reset. During the ongoing communications with on premise, an arrest of a patron occurred in the parking lot, that required the medical attention by E-5. After pt was transported E-5 advised on premise that proper protocol was not being followed to keep an accurate occupancy count; that and the issue with the alarm system would be referred to the assigned fire inspector. E-5 returned to service after management agreed to not allow anyone else in the club and the amount of crowding had been reduced by patrons leaving.

RM Release

RM released to OFD Fire Inspector Tom Blaha 12/28/2009 0824 hrs

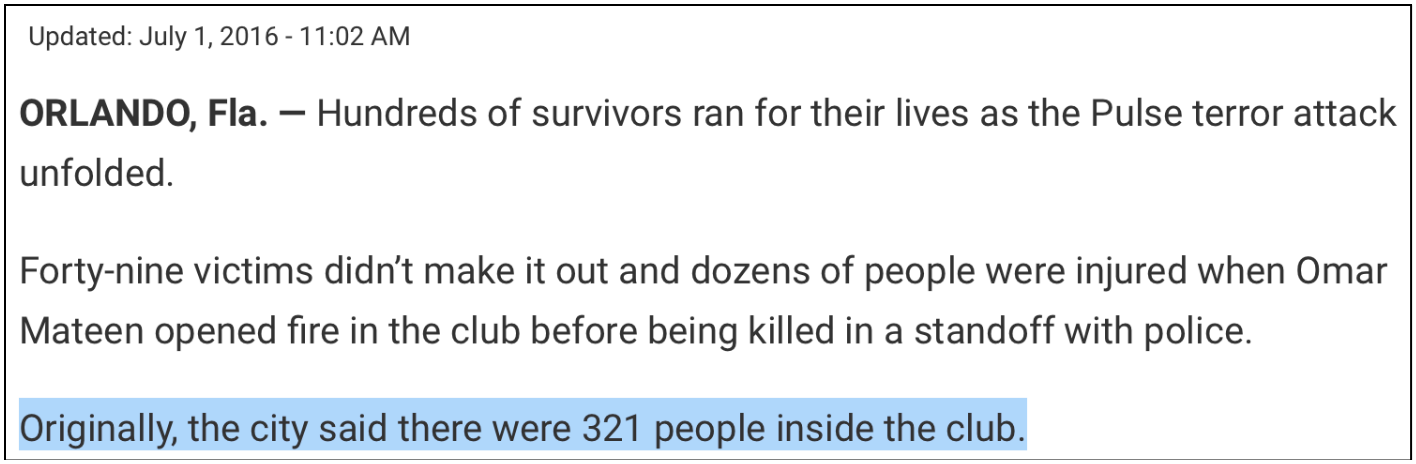
4.5 “321 People” initially reported inside of the club

According to an investigation done by WFTV, 321 people were initially reported by Chief Mina to have been inside of the club.[28]

This is over Pulse’s maximum occupancy load of 300. However, the lawyer representing Rosario Poma and Barbara Poma, Gus Benitez, claimed that this number was an estimate and was not the number on the club’s clicker counter.

The number on the nightclub’s clicker counter on the night of the shooting has not been released. The counter was not taken as evidence by the FBI, but might have been photographed by the City of Orlando as part of investigations after the shooting—not all photographic evidence has been released to the public.

The following is an excerpt from the investigative reporting done by WFTV:



Updated: July 1, 2016 - 11:02 AM

ORLANDO, Fla. — Hundreds of survivors ran for their lives as the Pulse terror attack unfolded.

Forty-nine victims didn’t make it out and dozens of people were injured when Omar Mateen opened fire in the club before being killed in a standoff with police.

Originally, the city said there were 321 people inside the club.

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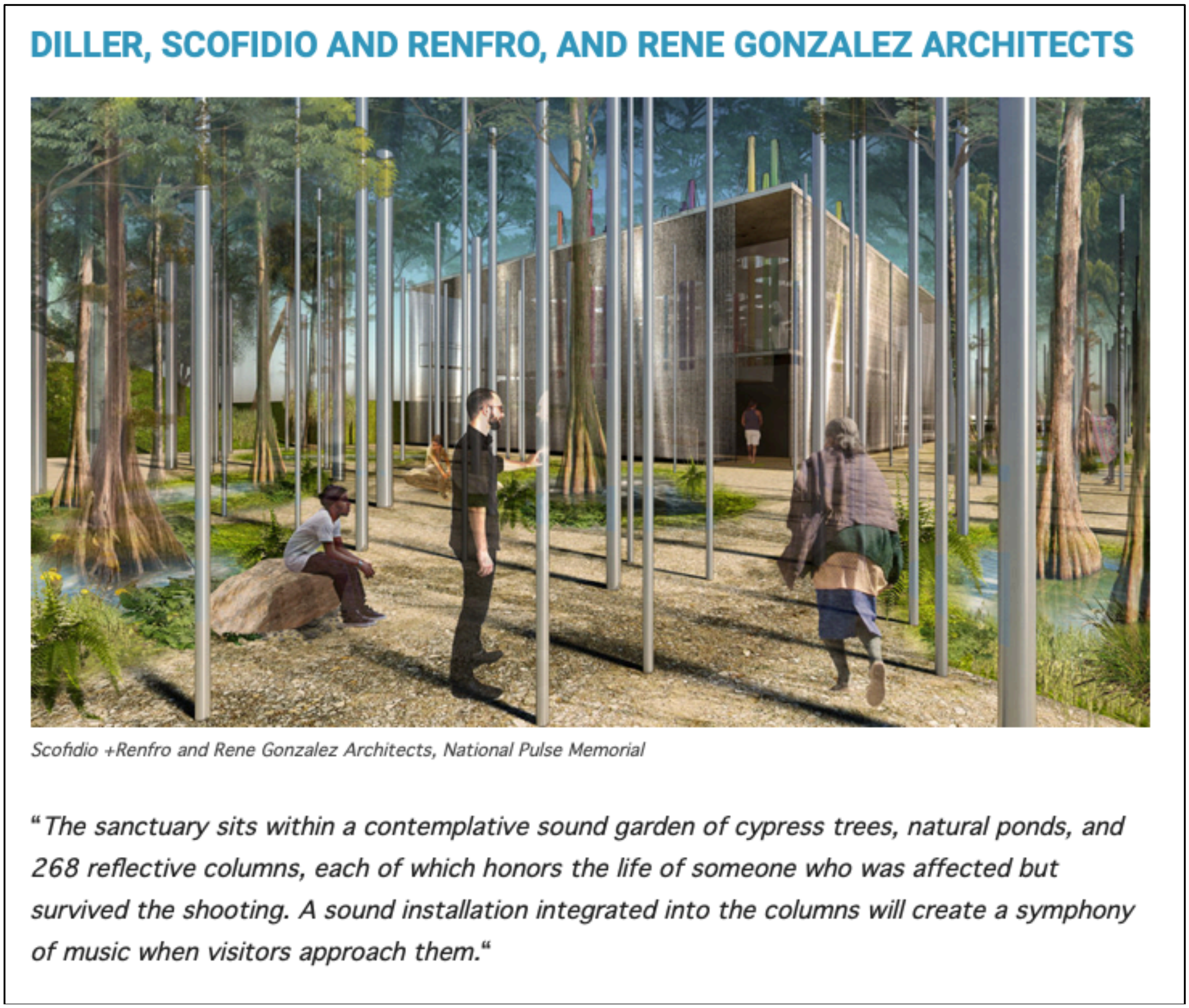
[28] https://www.wftv.com/news/pulse-shooting/9-investigates-whether-pulse-was-over-capacity-night-of-shooting/372746661/

4.6 OnePULSE Foundation Designs Show Nightclub was Over Capacity

Memorial/museum design submitted by finalist Diller, Scofidio, and Renfro and Rene Gonzalez Architects in the International Design Competition hosted by the OnePULSE Foundation showed 268 reflective columns to honor survivors. If you add the 49 murdered, this brings the number of people at Pulse on the night of the shooting to 317, which exceeds the legal occupancy load.

Dovetail Design Strategists, an New York architecture firm that led the competition, did not answer requests for the Stage II Design Brief that it created and provided to design teams.

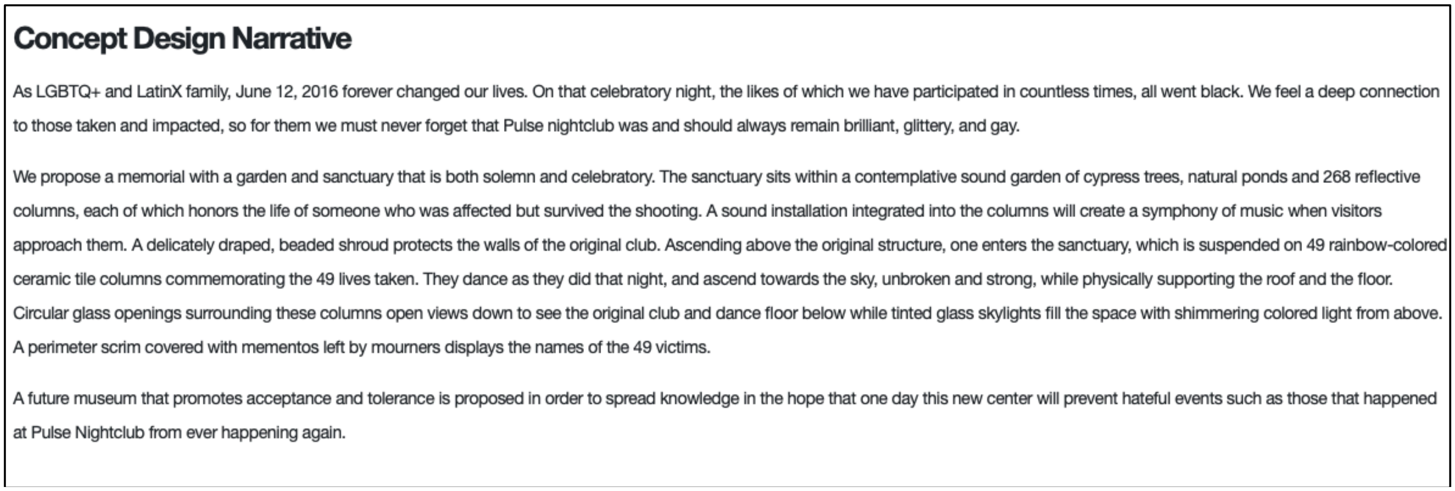


DILLER, SCOFIDIO AND RENFRO, AND RENE GONZALEZ ARCHITECTS

Scofidio +Renfro and Rene Gonzalez Architects, National Pulse Memorial

"The sanctuary sits within a contemplative sound garden of cypress trees, natural ponds, and 268 reflective columns, each of which honors the life of someone who was affected but survived the shooting. A sound installation integrated into the columns will create a symphony of music when visitors approach them."

According to the Concept Design Narrative (below), the design team proposed, “a contemplative sound garden of cypress trees, natural ponds, and 268 reflective columns, each of which honors the life of someone who was affected but survived the shooting.”



Concept Design Narrative

As LGBTQ+ and LatinX family, June 12, 2016 forever changed our lives. On that celebratory night, the likes of which we have participated in countless times, all went black. We feel a deep connection to those taken and impacted, so for them we must never forget that Pulse nightclub was and should always remain brilliant, glittery, and gay.

We propose a memorial with a garden and sanctuary that is both solemn and celebratory. The sanctuary sits within a contemplative sound garden of cypress trees, natural ponds and 268 reflective columns, each of which honors the life of someone who was affected but survived the shooting. A sound installation integrated into the columns will create a symphony of music when visitors approach them. A delicately draped, beaded shroud protects the walls of the original club. Ascending above the original structure, one enters the sanctuary, which is suspended on 49 rainbow-colored ceramic tile columns commemorating the 49 lives taken. They dance as they did that night, and ascend towards the sky, unbroken and strong, while physically supporting the roof and the floor. Circular glass openings surrounding these columns open views down to see the original club and dance floor below while tinted glass skylights fill the space with shimmering colored light from above. A perimeter scrim covered with mementos left by mourners displays the names of the 49 victims.

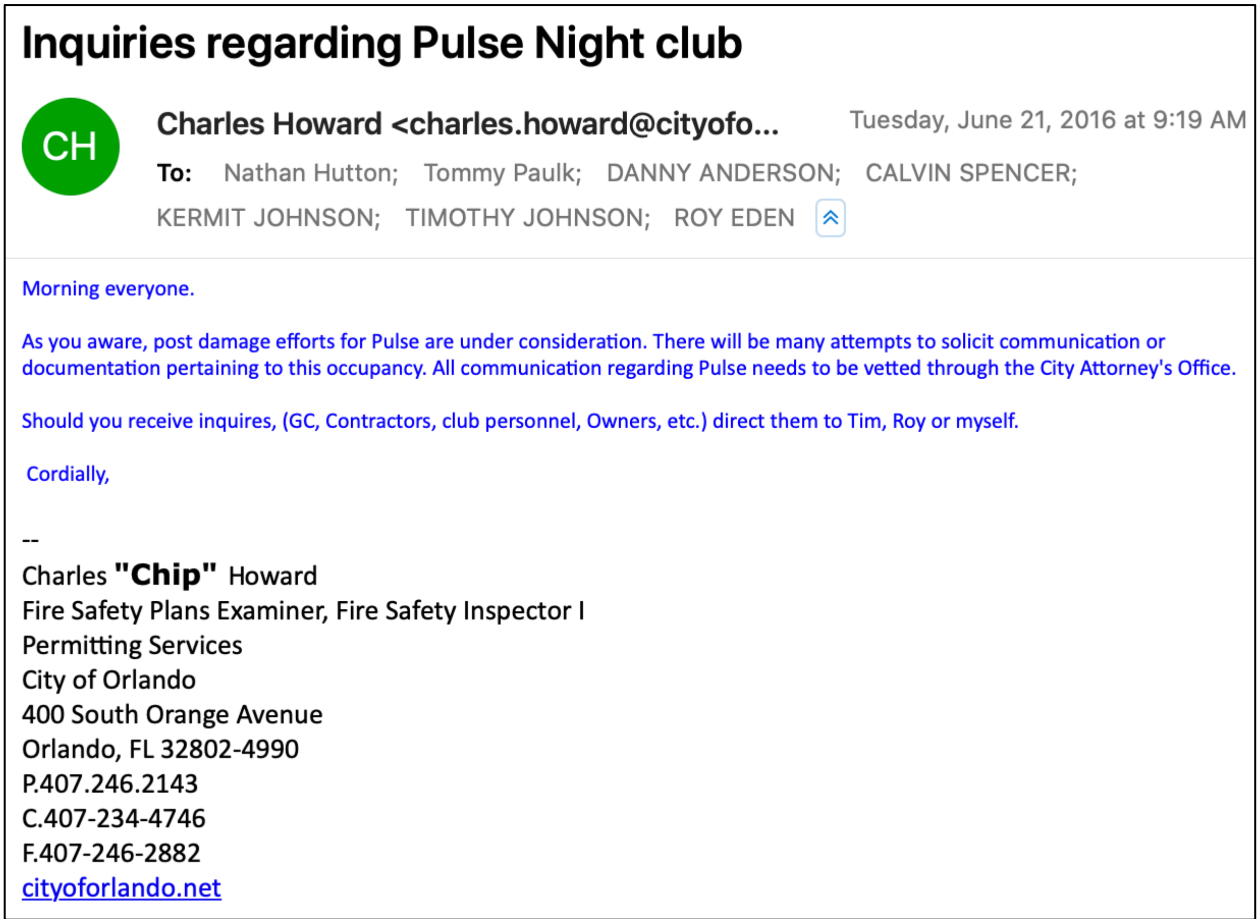
A future museum that promotes acceptance and tolerance is proposed in order to spread knowledge in the hope that one day this new center will prevent hateful events such as those that happened at Pulse Nightclub from ever happening again.

The National Compassion Fund counted 304 victims, while the OneOrlando Fund counted exactly 299.

4.7 Communications Regarding Occupancy to be Vetted by City Attorney

In this email from Charles Howard (Fire Safety Plans Examiner and Fire Safety Inspector) sent on June 21, 2016, he states that there “will be many attempts to solicit communication or documentation pertaining to this occupancy [at Pulse]” and “all communication regarding Pulse needs to be vetted through the City Attorney’s Office.”

As of April 27, 2020, not all documents regarding Pulse’s occupant load have been released to the public, including occupant load calculation worksheets, which we have requested through individual requests for public records.



Inquiries regarding Pulse Night club

CH **Charles Howard <charles.howard@cityofo...** Tuesday, June 21, 2016 at 9:19 AM

To: Nathan Hutton; Tommy Paulk; DANNY ANDERSON; CALVIN SPENCER; KERMIT JOHNSON; TIMOTHY JOHNSON; ROY EDEN

Morning everyone.

As you aware, post damage efforts for Pulse are under consideration. There will be many attempts to solicit communication or documentation pertaining to this occupancy. All communication regarding Pulse needs to be vetted through the City Attorney's Office.

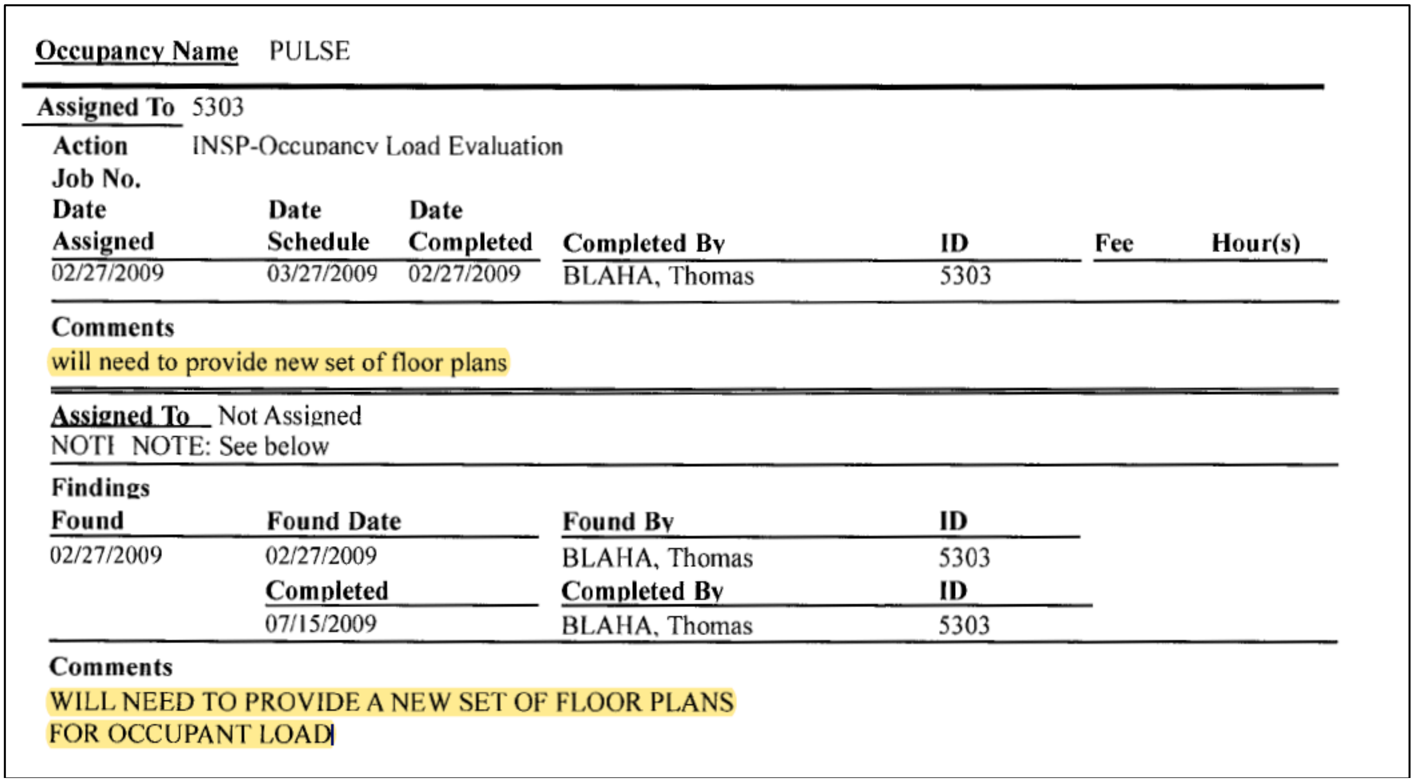
Should you receive inquires, (GC, Contractors, club personnel, Owners, etc.) direct them to Tim, Roy or myself.

Cordially,

--
Charles **"Chip"** Howard
Fire Safety Plans Examiner, Fire Safety Inspector I
Permitting Services
City of Orlando
400 South Orange Avenue
Orlando, FL 32802-4990
P.407.246.2143
C.407-234-4746
F.407-246-2882
cityoforlando.net

4.8 Orlando Fire Department vs. Permitting Services

As early as February 27, 2009, the Orlando Fire Department during routine inspections determined that Pulse needed to provide a new set of floor plans to re-calculate the occupant load of the building.



Occupancy Name PULSE

Assigned To 5303

Action INSP-Occupancy Load Evaluation
Job No.

Date Assigned	Date Schedule	Date Completed	Completed By	ID	Fee	Hour(s)
02/27/2009	03/27/2009	02/27/2009	BLAHA, Thomas	5303		

Comments
will need to provide new set of floor plans

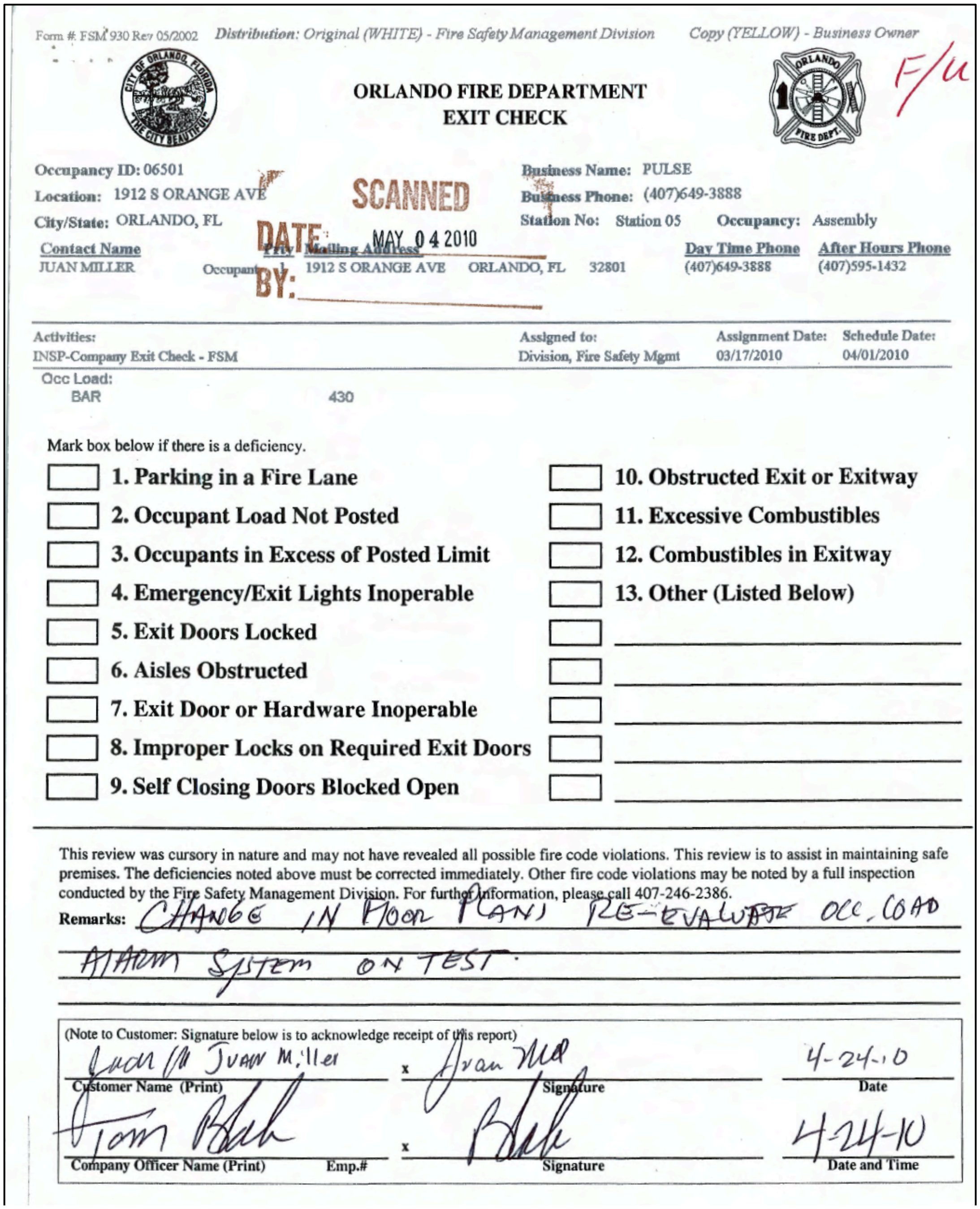
Assigned To Not Assigned
NOTI NOTE: See below

Findings

Found	Found Date	Found By	ID
02/27/2009	02/27/2009	BLAHA, Thomas	5303
	Completed	**Completed By**	**ID**
	07/15/2009	BLAHA, Thomas	5303

Comments
WILL NEED TO PROVIDE A NEW SET OF FLOOR PLANS
FOR OCCUPANT LOAD

Fire inspectors again documented the need for floor plans in April 2010, when OFD inspector Tom Blaha recognized that Pulse's floor plan had been altered during a routine Exit Check. He remarked that the occupancy load needed to be re-evaluated as a result.



Form #: FSM 930 Rev 05/2002 *Distribution: Original (WHITE) - Fire Safety Management Division* *Copy (YELLOW) - Business Owner*

F/U

ORLANDO FIRE DEPARTMENT
EXIT CHECK

SCANNED
DATE: MAY 04 2010
BY:

Occupancy ID: 06501
Location: 1912 S ORANGE AVE
City/State: ORLANDO, FL

Business Name: PULSE
Business Phone: (407)649-3888
Station No: Station 05 **Occupancy:** Assembly

Contact Name		Prty	Mailing Address			Day Time Phone	After Hours Phone
JUAN MILLER	Occupant	1	1912 S ORANGE AVE	ORLANDO, FL	32801	(407)649-3888	(407)595-1432

Activities:	Assigned to:	Assignment Date:	Schedule Date:
INSP-Company Exit Check - FSM	Division, Fire Safety Mgmt	03/17/2010	04/01/2010

Occ Load:
BAR 430

Mark box below if there is a deficiency.

☐ **1. Parking in a Fire Lane**
☐ **2. Occupant Load Not Posted**
☐ **3. Occupants in Excess of Posted Limit**
☐ **4. Emergency/Exit Lights Inoperable**
☐ **5. Exit Doors Locked**
☐ **6. Aisles Obstructed**
☐ **7. Exit Door or Hardware Inoperable**
☐ **8. Improper Locks on Required Exit Doors**
☐ **9. Self Closing Doors Blocked Open**
☐ **10. Obstructed Exit or Exitway**
☐ **11. Excessive Combustibles**
☐ **12. Combustibles in Exitway**
☐ **13. Other (Listed Below)**
☐ ____________
☐ ____________
☐ ____________
☐ ____________
☐ ____________

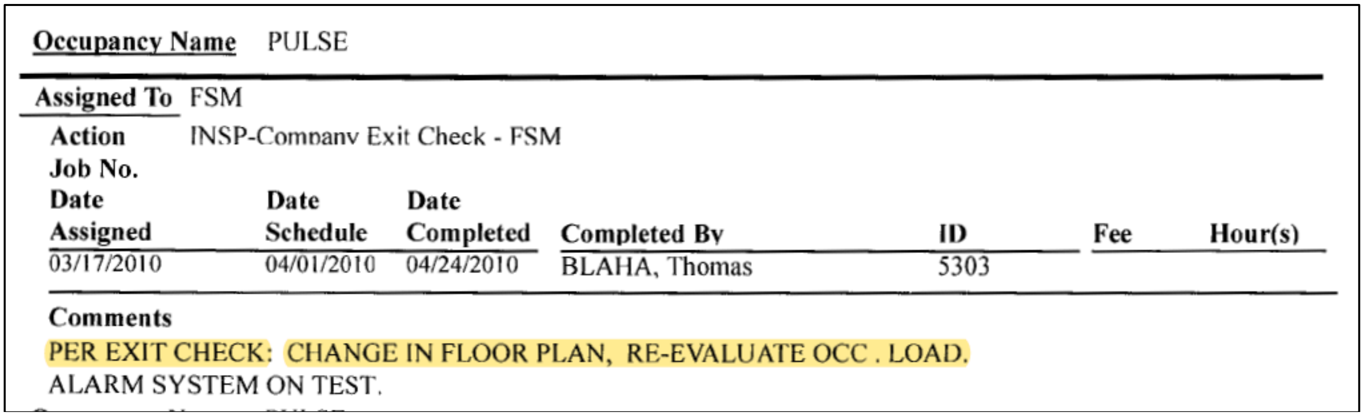
This review was cursory in nature and may not have revealed all possible fire code violations. This review is to assist in maintaining safe premises. The deficiencies noted above must be corrected immediately. Other fire code violations may be noted by a full inspection conducted by the Fire Safety Management Division. For further information, please call 407-246-2386.

Remarks: CHANGE IN FLOOR PLAN, RE-EVALUATE OCC. LOAD
ALARM SYSTEM ON TEST.

(Note to Customer: Signature below is to acknowledge receipt of this report)

Juan Miller
Customer Name (Print) x **Signature** 4-24-10 **Date**

Tom Blah
Company Officer Name (Print) **Emp.#** x **Signature** 4-24-10 **Date and Time**



Occupancy Name PULSE

Assigned To FSM

Action INSP-Company Exit Check - FSM

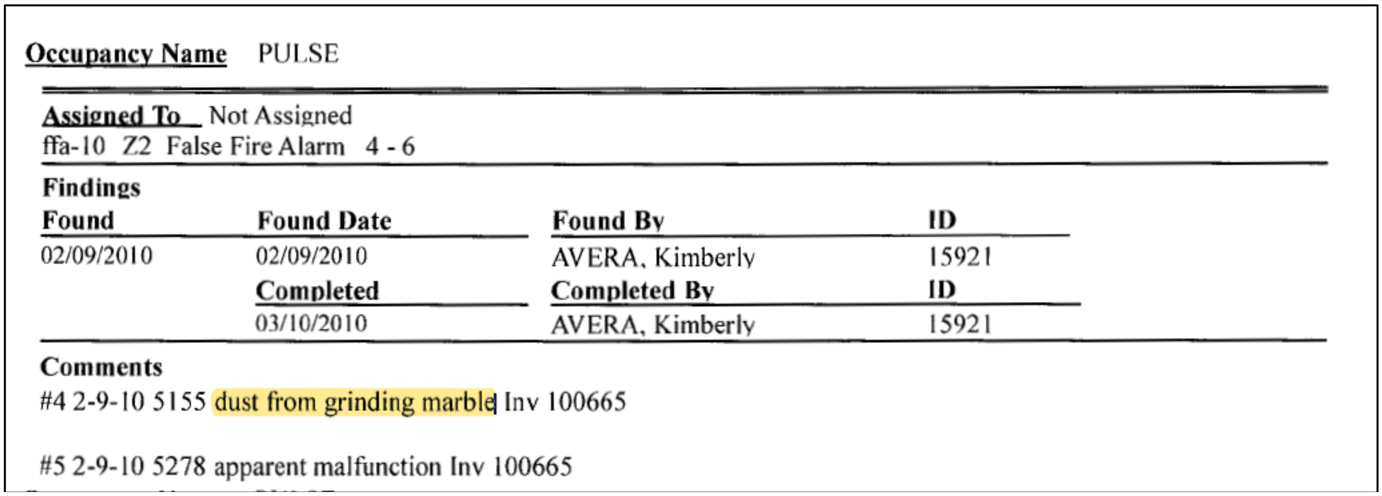
Job No.

Date Assigned	Date Schedule	Date Completed	Completed By	ID	Fee	Hour(s)
03/17/2010	04/01/2010	04/24/2010	BLAHA, Thomas	5303		

Comments

PER EXIT CHECK: CHANGE IN FLOOR PLAN, RE-EVALUATE OCC . LOAD.
ALARM SYSTEM ON TEST.

This violation was given a month after a false fire alarm that resulted from grinding marble (most likely when the unpermitted renovations were being done).



Occupancy Name PULSE

Assigned To Not Assigned
ffa-10 Z2 False Fire Alarm 4 - 6

Findings

Found	Found Date	Found By	ID
02/09/2010	02/09/2010	AVERA, Kimberly	15921
	Completed	**Completed By**	**ID**
	03/10/2010	AVERA, Kimberly	15921

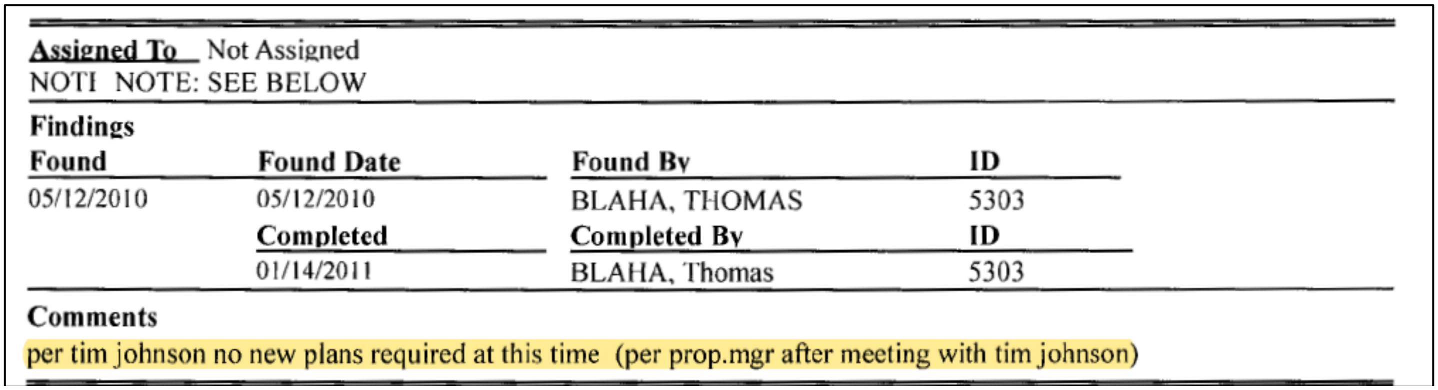
Comments

#4 2-9-10 5155 dust from grinding marble Inv 100665

#5 2-9-10 5278 apparent malfunction Inv 100665

No records have been released by the City of Orlando that indicate that the occupancy was ever re-evaluated or calculated based on accurate building plans.

On the contrary, records show that Timothy Johnson (Permitting Services) told the “property manager” that new floor plans were **not** needed.



Assigned To Not Assigned
NOTI NOTE: SEE BELOW

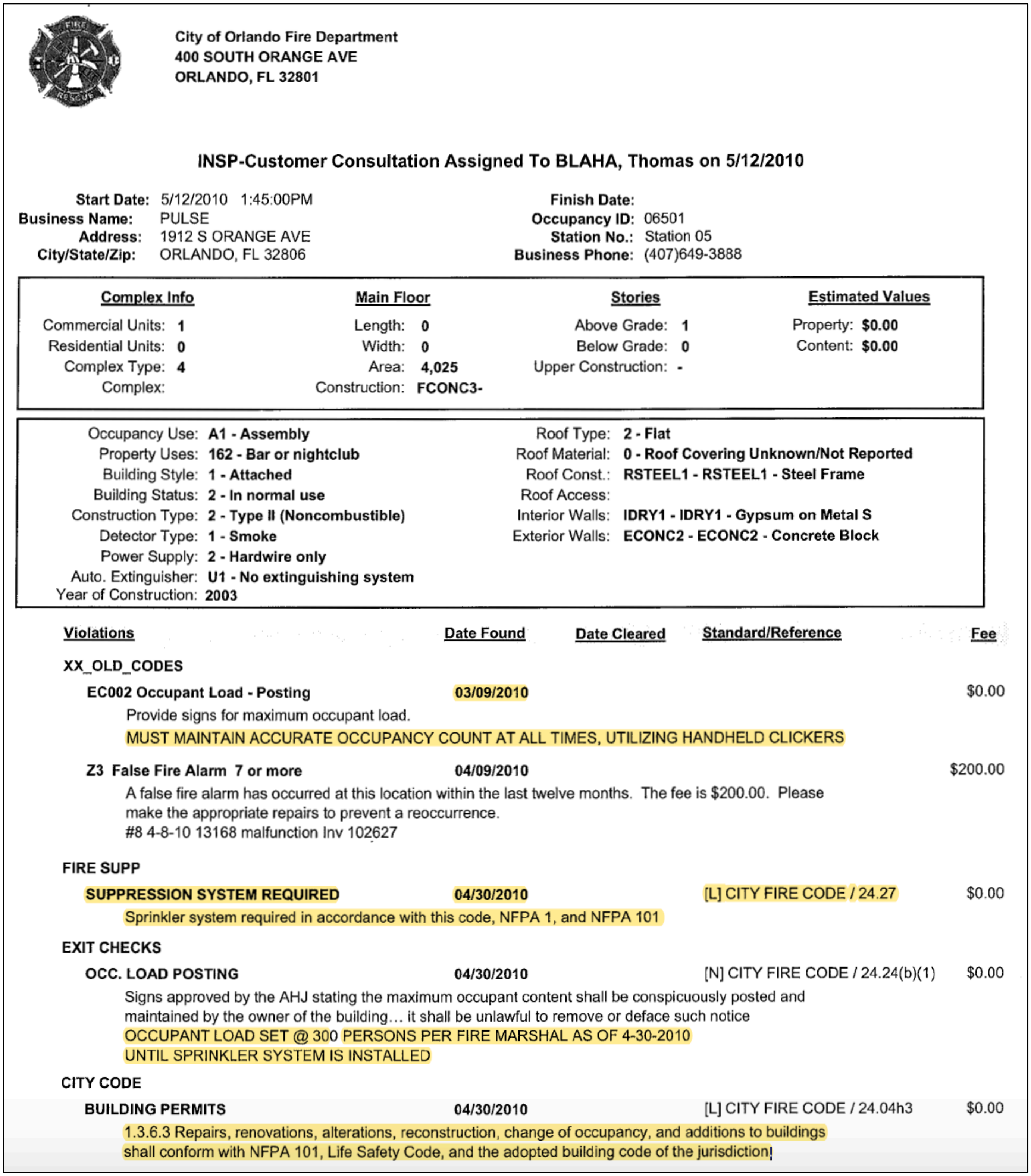
Findings

Found	Found Date	Found By	ID
05/12/2010	05/12/2010	BLAHA, THOMAS	5303
	Completed	**Completed By**	**ID**
	01/14/2011	BLAHA, Thomas	5303

Comments

per tim johnson no new plans required at this time (per prop.mgr after meeting with tim johnson)

OFD inspection and open violation documents also show that city fire code required a sprinkler system be installed at Pulse and the occupant load was increased to 430, but temporarily reduced to 299 until the required sprinkler system was installed.



City of Orlando Fire Department
400 SOUTH ORANGE AVE
ORLANDO, FL 32801

INSP-Customer Consultation Assigned To BLAHA, Thomas on 5/12/2010

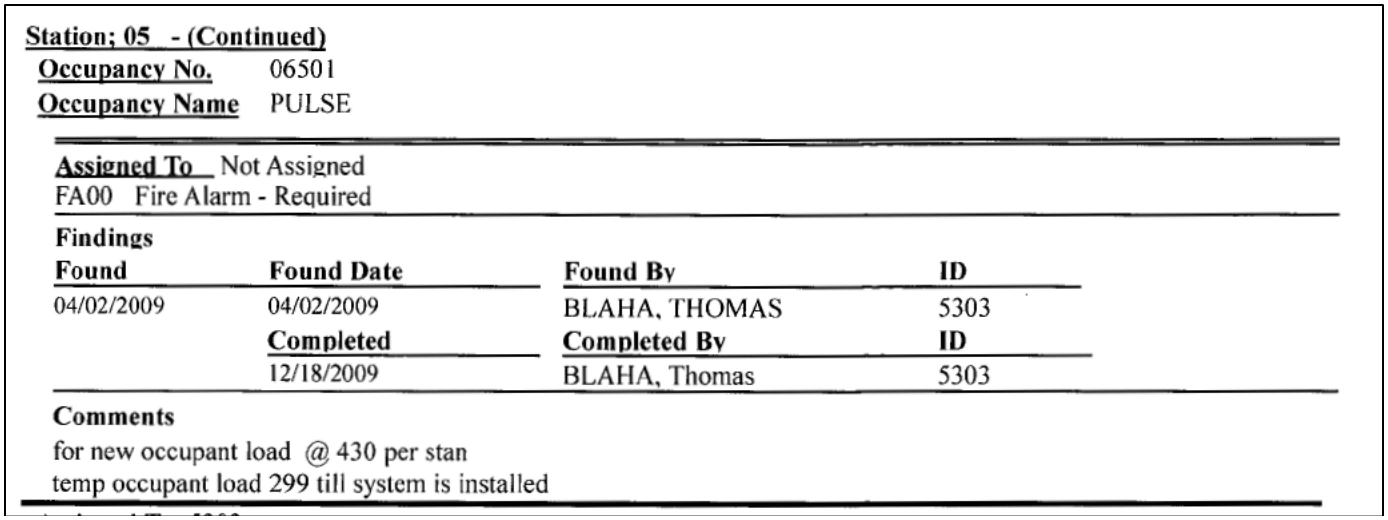
Start Date: 5/12/2010 1:45:00PM
Business Name: PULSE
Address: 1912 S ORANGE AVE
City/State/Zip: ORLANDO, FL 32806

Finish Date:
Occupancy ID: 06501
Station No.: Station 05
Business Phone: (407)649-3888

Complex Info		Main Floor		Stories		Estimated Values	
Commercial Units:	**1**	Length:	**0**	Above Grade:	**1**	Property:	**$0.00**
Residential Units:	**0**	Width:	**0**	Below Grade:	**0**	Content:	**$0.00**
Complex Type:	**4**	Area:	**4,025**	Upper Construction:	**-**		
Complex:		Construction:	**FCONC3-**				

Occupancy Use:	**A1 - Assembly**	Roof Type:	**2 - Flat**
Property Uses:	**162 - Bar or nightclub**	Roof Material:	**0 - Roof Covering Unknown/Not Reported**
Building Style:	**1 - Attached**	Roof Const.:	**RSTEEL1 - RSTEEL1 - Steel Frame**
Building Status:	**2 - In normal use**	Roof Access:	
Construction Type:	**2 - Type II (Noncombustible)**	Interior Walls:	**IDRY1 - IDRY1 - Gypsum on Metal S**
Detector Type:	**1 - Smoke**	Exterior Walls:	**ECONC2 - ECONC2 - Concrete Block**
Power Supply:	**2 - Hardwire only**		
Auto. Extinguisher:	**U1 - No extinguishing system**		
Year of Construction:	**2003**		

Violations	Date Found	Date Cleared	Standard/Reference	Fee
XX_OLD_CODES				
EC002 Occupant Load - Posting	**03/09/2010**			$0.00
Provide signs for maximum occupant load. MUST MAINTAIN ACCURATE OCCUPANCY COUNT AT ALL TIMES, UTILIZING HANDHELD CLICKERS				
Z3 False Fire Alarm 7 or more	**04/09/2010**			$200.00
A false fire alarm has occurred at this location within the last twelve months. The fee is $200.00. Please make the appropriate repairs to prevent a reoccurrence. #8 4-8-10 13168 malfunction Inv 102627				
FIRE SUPP				
SUPPRESSION SYSTEM REQUIRED	**04/30/2010**		[L] CITY FIRE CODE / 24.27	$0.00
Sprinkler system required in accordance with this code, NFPA 1, and NFPA 101				
EXIT CHECKS				
OCC. LOAD POSTING	**04/30/2010**		[N] CITY FIRE CODE / 24.24(b)(1)	$0.00
Signs approved by the AHJ stating the maximum occupant content shall be conspicuously posted and maintained by the owner of the building… it shall be unlawful to remove or deface such notice OCCUPANT LOAD SET @ 300 PERSONS PER FIRE MARSHAL AS OF 4-30-2010 UNTIL SPRINKLER SYSTEM IS INSTALLED				
CITY CODE				
BUILDING PERMITS	**04/30/2010**		[L] CITY FIRE CODE / 24.04h3	$0.00
1.3.6.3 Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform with NFPA 101, Life Safety Code, and the adopted building code of the jurisdiction.				



Station; 05 - (Continued)
Occupancy No. 06501
Occupancy Name PULSE

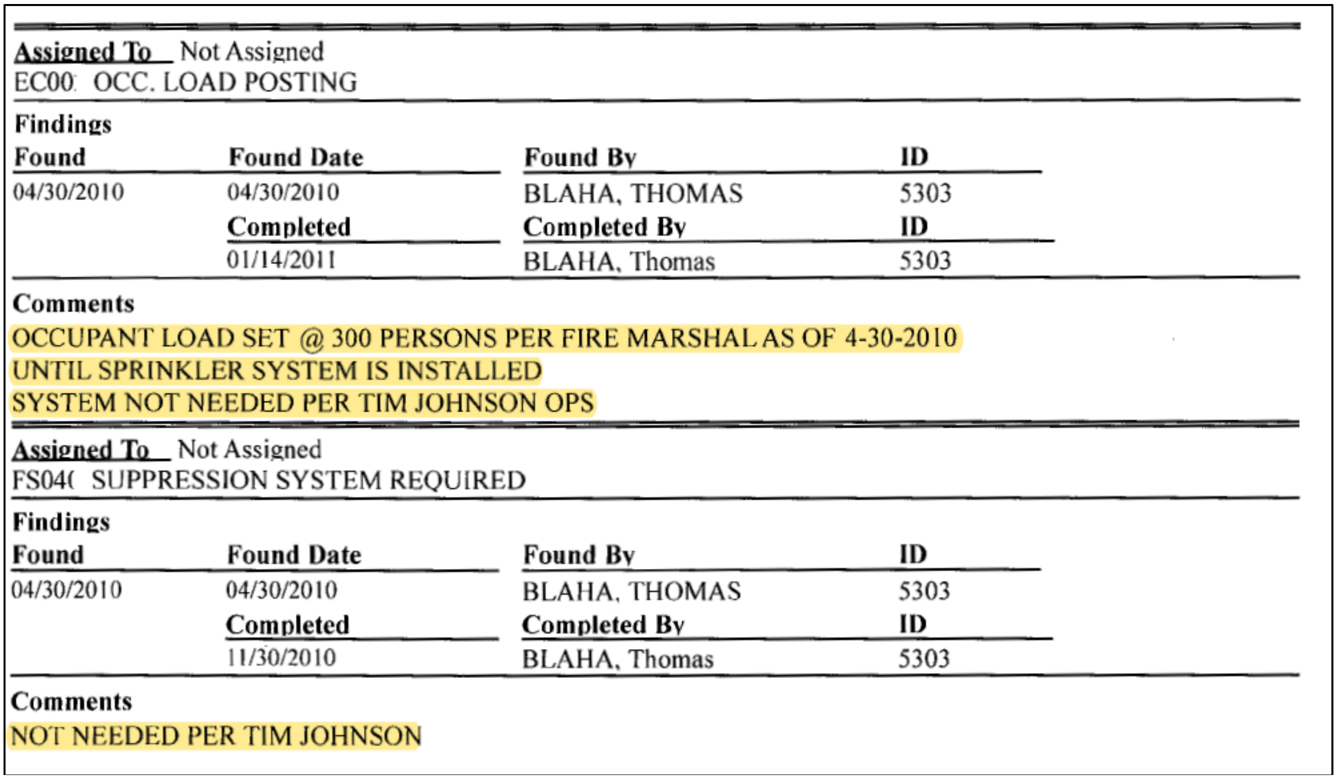
Assigned To Not Assigned
FA00 Fire Alarm - Required

Findings

Found	**Found Date**	**Found By**	**ID**
04/02/2009	04/02/2009	BLAHA, THOMAS	5303
	Completed	**Completed By**	**ID**
	12/18/2009	BLAHA, Thomas	5303

Comments
for new occupant load @ 430 per stan
temp occupant load 299 till system is installed

Again, Timothy Johnson told OFD that the sprinkler system required by law was not needed (April 30, 2010).



Assigned To Not Assigned
EC00 OCC. LOAD POSTING

Findings

Found	**Found Date**	**Found By**	**ID**
04/30/2010	04/30/2010	BLAHA, THOMAS	5303
	Completed	**Completed By**	**ID**
	01/14/2011	BLAHA, Thomas	5303

Comments
OCCUPANT LOAD SET @ 300 PERSONS PER FIRE MARSHAL AS OF 4-30-2010
UNTIL SPRINKLER SYSTEM IS INSTALLED
SYSTEM NOT NEEDED PER TIM JOHNSON OPS

Assigned To Not Assigned
FS04(SUPPRESSION SYSTEM REQUIRED

Findings

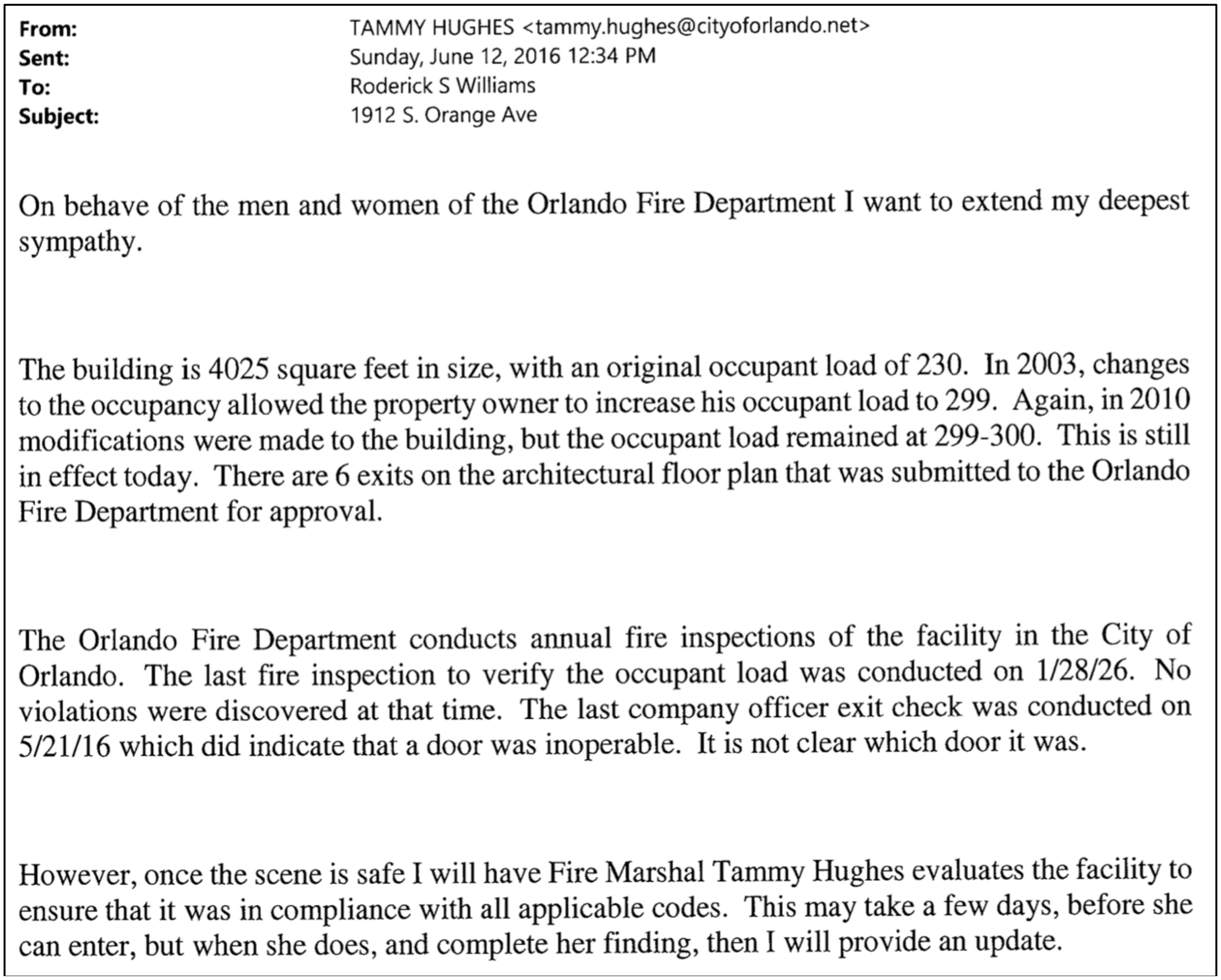
Found	**Found Date**	**Found By**	**ID**
04/30/2010	04/30/2010	BLAHA, THOMAS	5303
	Completed	**Completed By**	**ID**
	11/30/2010	BLAHA, Thomas	5303

Comments
NOT NEEDED PER TIM JOHNSON

We know that Timothy Johnson met with Tom Blaha (OFD Inspector) on July 9, 2010 and discussed the sprinkler system according to meeting notes released on the Pulse Tragedy Public Records page (see *2.8: Unpermitted Floor Plans*). He jotted down on these notes that the sprinkler system was required at a 300-person occupant load. Pulse's occupant load was set at 300 on April 30, 2010, but there is no record of a sprinkler system being installed.

4.9 Email from Fire Marshal Tammy Hughes:

In this email from Fire Marshal Tammy Hughes sent on the day of the shooting and obtained through an individual request for public records, she provides inaccurate information in regards to Pulse's changing occupant load that is refuted in the following section using the public records that are available.



From: TAMMY HUGHES <tammy.hughes@cityoforlando.net>
Sent: Sunday, June 12, 2016 12:34 PM
To: Roderick S Williams
Subject: 1912 S. Orange Ave

On behave of the men and women of the Orlando Fire Department I want to extend my deepest sympathy.

The building is 4025 square feet in size, with an original occupant load of 230. In 2003, changes to the occupancy allowed the property owner to increase his occupant load to 299. Again, in 2010 modifications were made to the building, but the occupant load remained at 299-300. This is still in effect today. There are 6 exits on the architectural floor plan that was submitted to the Orlando Fire Department for approval.

The Orlando Fire Department conducts annual fire inspections of the facility in the City of Orlando. The last fire inspection to verify the occupant load was conducted on 1/28/26. No violations were discovered at that time. The last company officer exit check was conducted on 5/21/16 which did indicate that a door was inoperable. It is not clear which door it was.

However, once the scene is safe I will have Fire Marshal Tammy Hughes evaluates the facility to ensure that it was in compliance with all applicable codes. This may take a few days, before she can enter, but when she does, and complete her finding, then I will provide an update.

Furthermore, as shown in the previous section, the difference between a 299 and 300 occupant load is a sprinkler system (a life safety feature) that is required by law. Thus, Ms. Hughes' conflation that Pulse's occupant load remained somewhere between 299-300 is disconcerting.

We have requested the last issued occupant load sign to see if it was set at 299 or 300. Only three occupant load signs were released to the public and **the one for a 300-person occupant load is not dated** (see next section).

4.10 Varying Occupancy Loads

As stated in the email sent by Fire Marshal Tammy Hughes on June 12, 2016 that was provided in the previous section:

- The original occupant load was 230.
- In 2003, occupancy load increased to 299.
- in 2010, occupancy remained at 299-300 even though (unpermitted) modifications were done to the building.
- At time of the shooting, Pulse's occupancy was 299-300.

The Q&A document circulated amongst city officials in late June 2016 (see section *2.20 City of Orlando's Q&A Document*) states:

- Pulse's occupancy was 300 (at the time of the shooting).
- "There is reference that there were discussions to increasing occupancy level but our records reflect that never occurred."

Available records released on the Pulse Tragedy Public Records page show that the occupant load did fluctuate drastically. The dates and occupant load limits detailed in the public records are outlined below:

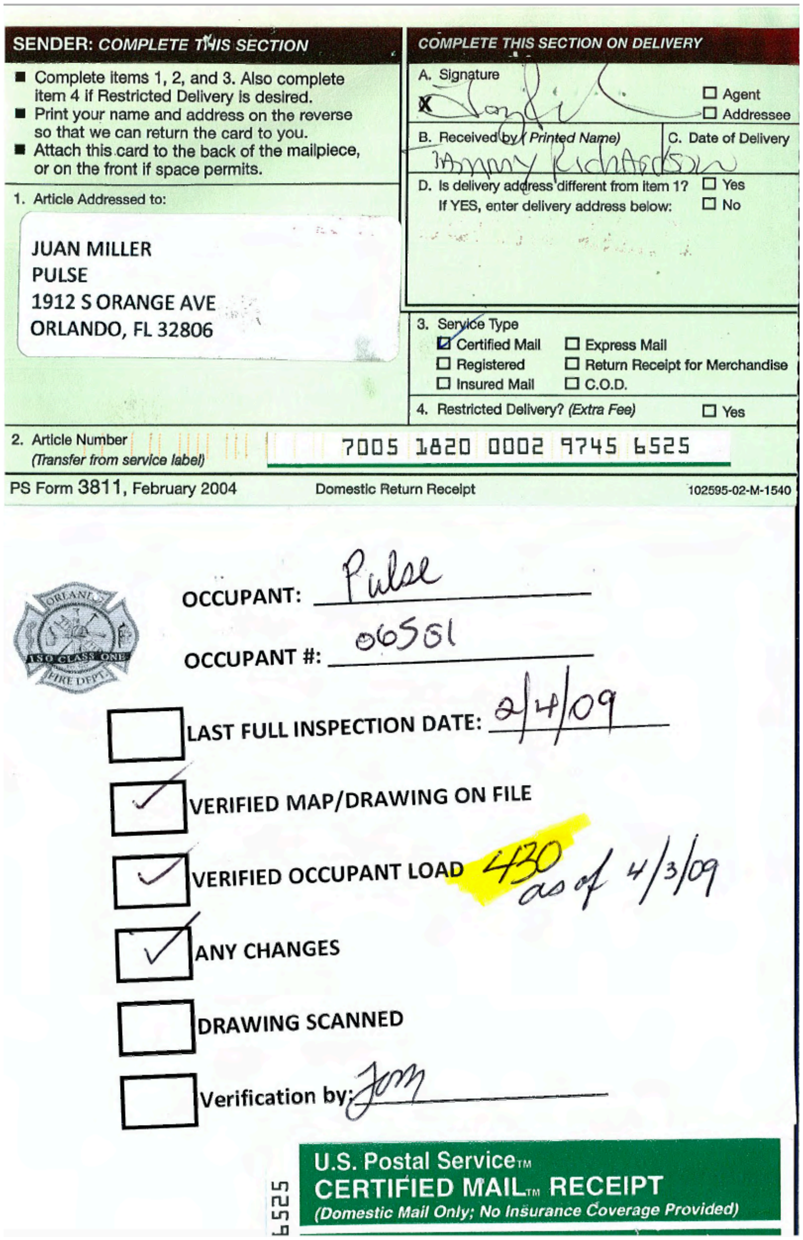
- An early, undated document says occupant load is 250
- June 29, 2004 – Occupant Load 223
- January 19, 2005 – Occupant Load is 299
- October 8, 2007 – Occupant Load is 299
- April 3, 2009 – Occupant Load is 430
- April 30, 2010 – Occupant Load is 300
- May 14, 2010 – Occupant Load is increased to 360, "based on available square footage" and "scaled drawings" of the establishment.
- January 14, 2011 – Occupant Load is 300
- November 18, 2011- Occupant Load is set to 430, but 300 is posted
- January 28, 2016 – Date of last load evaluation before shooting. Documents available do not show what the outcome of this evaluation was.

Changes made to the occupant load were done without building code inspections to the unpermitted renovations, of which the OFD and Permitting Serviced department were aware.

The drastic range of occupancy load calculations makes little sense when the building remained the same size, with no substantial increases or decreases in the building's square footage even with the unpermitted renovations that occurred between 2009-2010.

We have requested all occupant load signs, in addition to the calculation worksheets that were used to determine these varying occupant loads. Only one calculation worksheet and three occupant load signs were released to the public on the Pulse Tragedy Public records page.

Below are some of the documents that contradict the information provided by city officials regarding Pulse's occupant load:



SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JUAN MILLER
PULSE
1912 S ORANGE AVE
ORLANDO, FL 32806

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (*Printed Name*) Manny Richardson

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number
(*Transfer from service label*) 7005 1820 0002 9745 6525

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

ORLANDO ISO CLASS ONE FIRE DEPT.

OCCUPANT: Pulse

OCCUPANT #: 06561

☐ LAST FULL INSPECTION DATE: 2/4/09

☑ VERIFIED MAP/DRAWING ON FILE

☑ VERIFIED OCCUPANT LOAD 430 as of 4/3/09

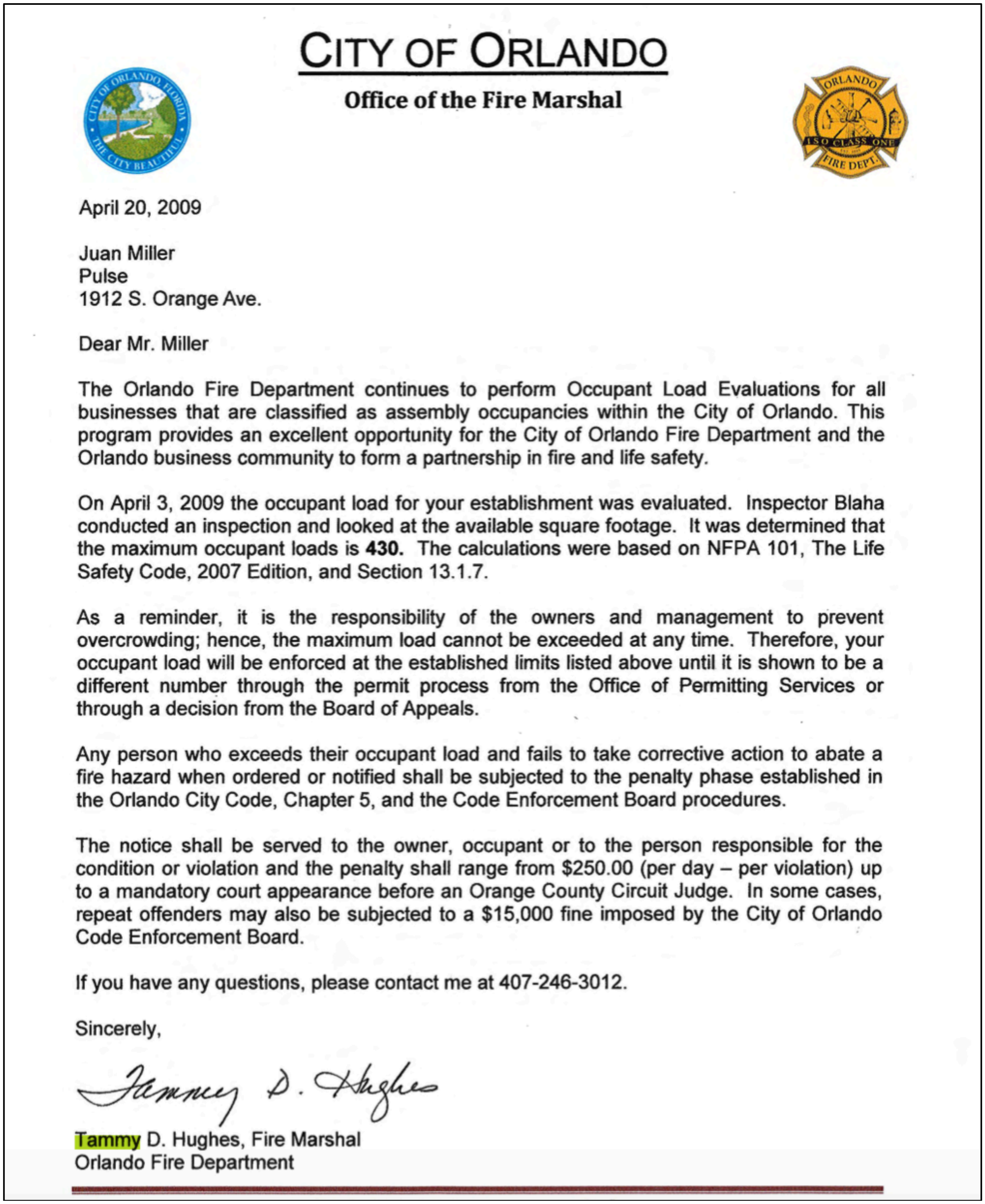
☑ ANY CHANGES

☐ DRAWING SCANNED

☐ Verification by: Jon

6525

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)



CITY OF ORLANDO

Office of the Fire Marshal

April 20, 2009

Juan Miller
Pulse
1912 S. Orange Ave.

Dear Mr. Miller

The Orlando Fire Department continues to perform Occupant Load Evaluations for all businesses that are classified as assembly occupancies within the City of Orlando. This program provides an excellent opportunity for the City of Orlando Fire Department and the Orlando business community to form a partnership in fire and life safety.

On April 3, 2009 the occupant load for your establishment was evaluated. Inspector Blaha conducted an inspection and looked at the available square footage. It was determined that the maximum occupant loads is **430.** The calculations were based on NFPA 101, The Life Safety Code, 2007 Edition, and Section 13.1.7.

As a reminder, it is the responsibility of the owners and management to prevent overcrowding; hence, the maximum load cannot be exceeded at any time. Therefore, your occupant load will be enforced at the established limits listed above until it is shown to be a different number through the permit process from the Office of Permitting Services or through a decision from the Board of Appeals.

Any person who exceeds their occupant load and fails to take corrective action to abate a fire hazard when ordered or notified shall be subjected to the penalty phase established in the Orlando City Code, Chapter 5, and the Code Enforcement Board procedures.

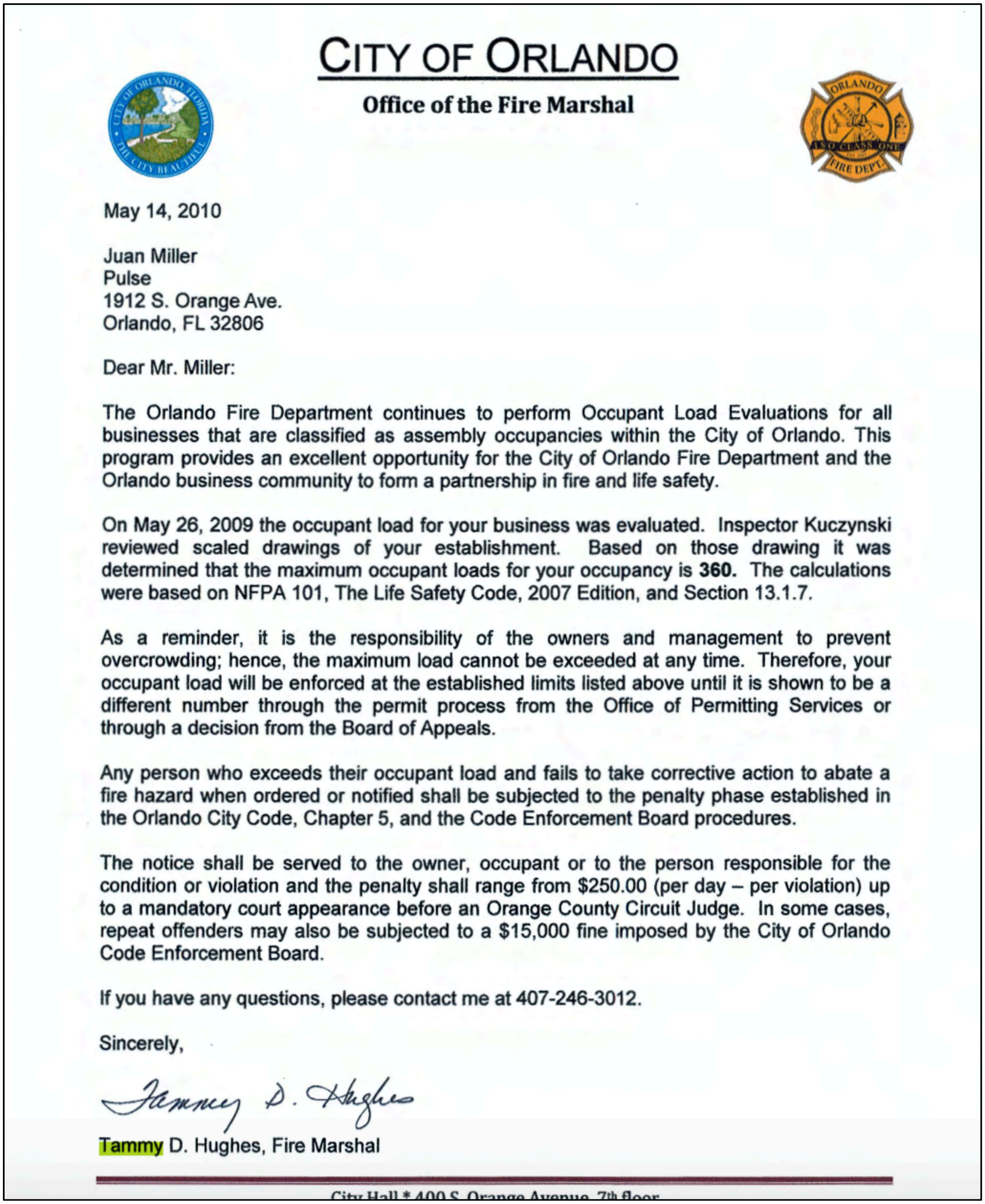
The notice shall be served to the owner, occupant or to the person responsible for the condition or violation and the penalty shall range from $250.00 (per day – per violation) up to a mandatory court appearance before an Orange County Circuit Judge. In some cases, repeat offenders may also be subjected to a $15,000 fine imposed by the City of Orlando Code Enforcement Board.

If you have any questions, please contact me at 407-246-3012.

Sincerely,

Tammy D. Hughes

Tammy D. Hughes, Fire Marshal
Orlando Fire Department



CITY OF ORLANDO

Office of the Fire Marshal

May 14, 2010

Juan Miller
Pulse
1912 S. Orange Ave.
Orlando, FL 32806

Dear Mr. Miller:

The Orlando Fire Department continues to perform Occupant Load Evaluations for all businesses that are classified as assembly occupancies within the City of Orlando. This program provides an excellent opportunity for the City of Orlando Fire Department and the Orlando business community to form a partnership in fire and life safety.

On May 26, 2009 the occupant load for your business was evaluated. Inspector Kuczynski reviewed scaled drawings of your establishment. Based on those drawing it was determined that the maximum occupant loads for your occupancy is **360.** The calculations were based on NFPA 101, The Life Safety Code, 2007 Edition, and Section 13.1.7.

As a reminder, it is the responsibility of the owners and management to prevent overcrowding; hence, the maximum load cannot be exceeded at any time. Therefore, your occupant load will be enforced at the established limits listed above until it is shown to be a different number through the permit process from the Office of Permitting Services or through a decision from the Board of Appeals.

Any person who exceeds their occupant load and fails to take corrective action to abate a fire hazard when ordered or notified shall be subjected to the penalty phase established in the Orlando City Code, Chapter 5, and the Code Enforcement Board procedures.

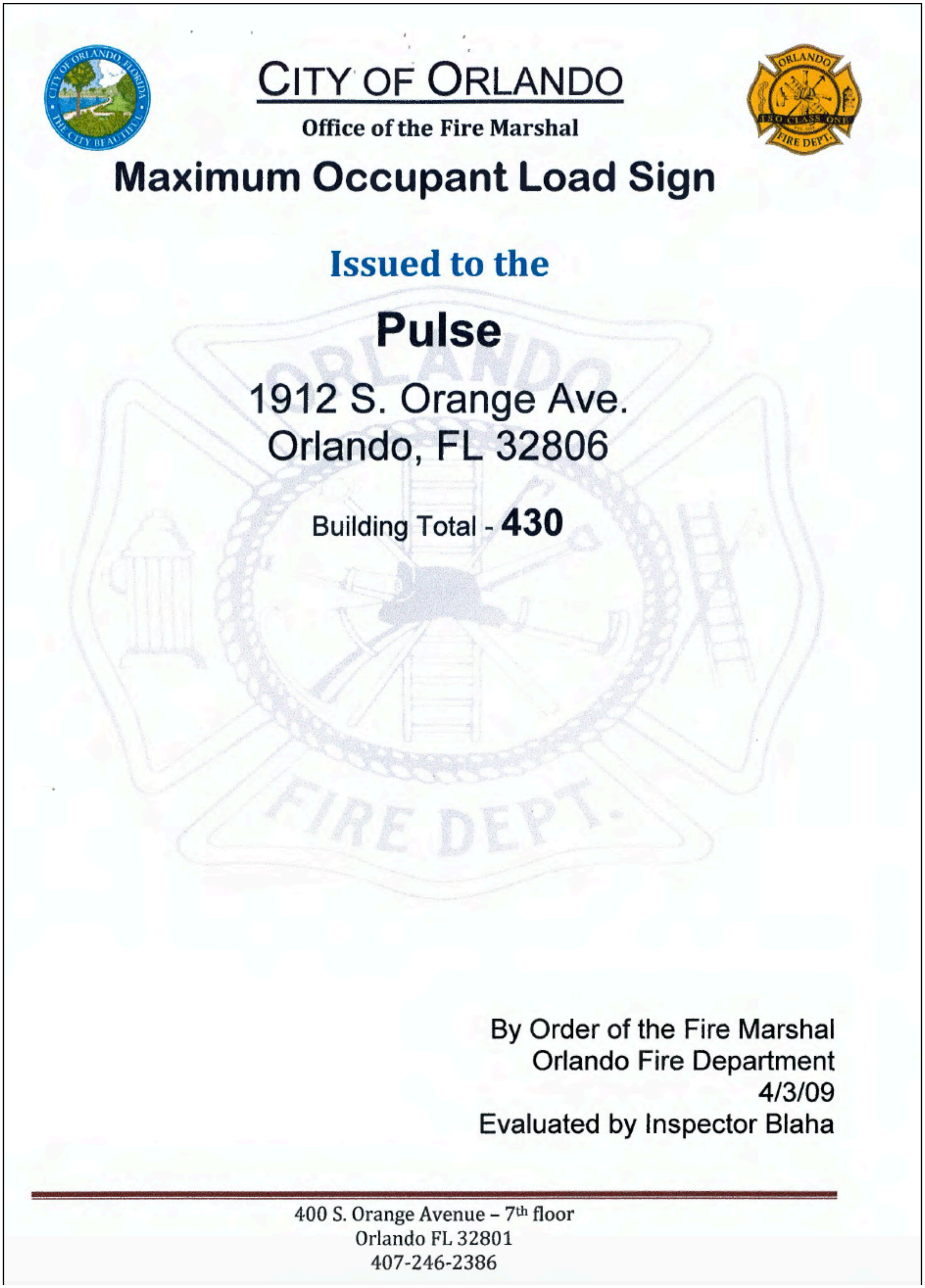
The notice shall be served to the owner, occupant or to the person responsible for the condition or violation and the penalty shall range from $250.00 (per day – per violation) up to a mandatory court appearance before an Orange County Circuit Judge. In some cases, repeat offenders may also be subjected to a $15,000 fine imposed by the City of Orlando Code Enforcement Board.

If you have any questions, please contact me at 407-246-3012.

Sincerely,

Tammy D. Hughes

Tammy D. Hughes, Fire Marshal



CITY OF ORLANDO

Office of the Fire Marshal

Maximum Occupant Load Sign

Issued to the

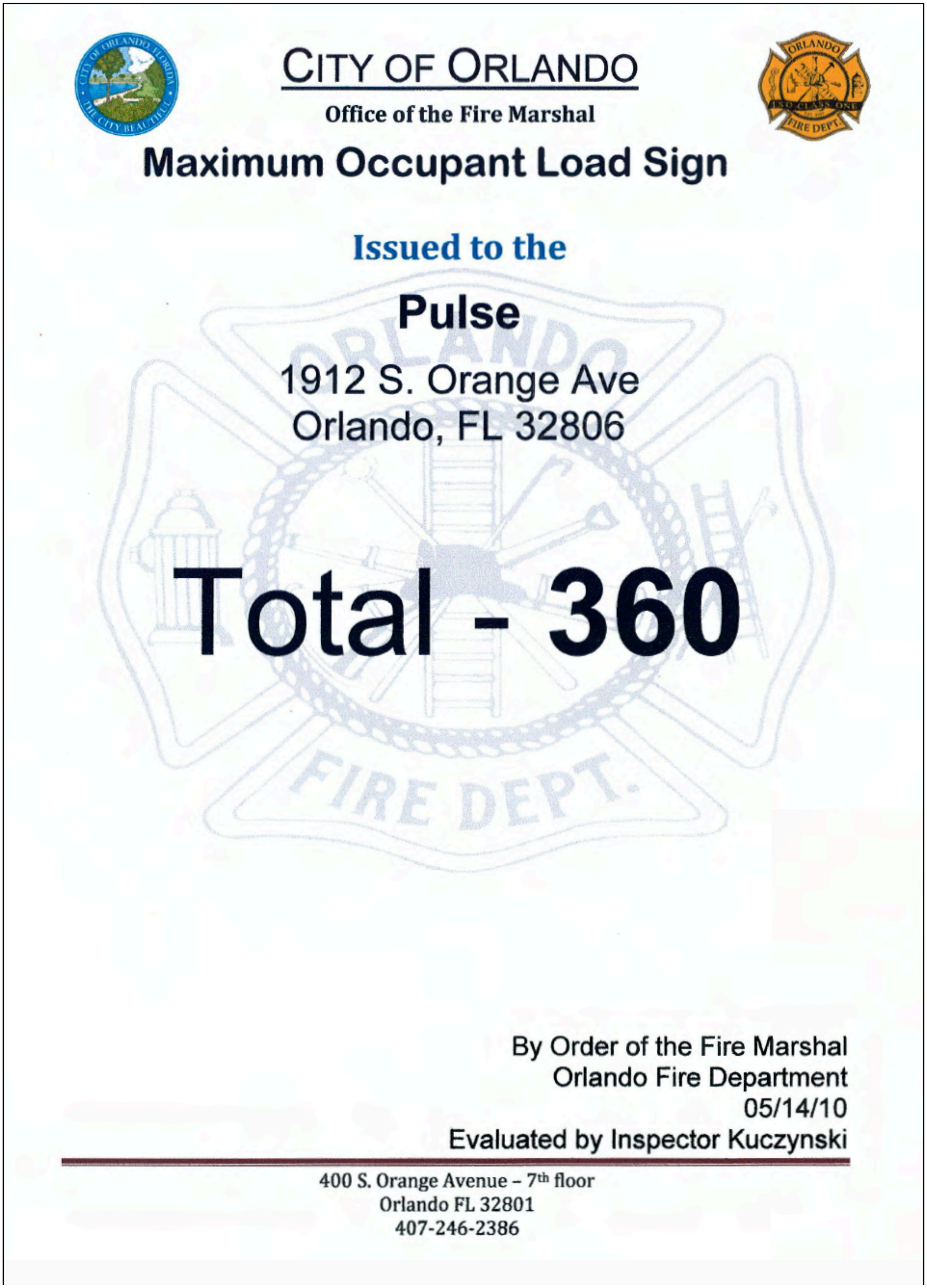
Pulse

1912 S. Orange Ave.
Orlando, FL 32806

Building Total - **430**

By Order of the Fire Marshal
Orlando Fire Department
4/3/09
Evaluated by Inspector Blaha

400 S. Orange Avenue – 7th floor
Orlando FL 32801
407-246-2386



CITY OF ORLANDO

Office of the Fire Marshal

Maximum Occupant Load Sign

Issued to the

Pulse

1912 S. Orange Ave
Orlando, FL 32806

Total - 360

By Order of the Fire Marshal
Orlando Fire Department
05/14/10
Evaluated by Inspector Kuczynski

400 S. Orange Avenue – 7th floor
Orlando FL 32801
407-246-2386

MAXIMUM OCCUPANT LOAD

300

PULSE

1912 S ORANGE AVE.
ORLANDO,FL 32805

BY ORDER OF THE FIRE MARSHAL
ORLANDO FIRE DEPARTMENT
CITY ORDINANCE FPC 24.24 (B) (1)

Key Takeaways

Records show that under the ownership of Rosario Poma and Barbara Poma, the Pulse Nightclub consistently operated over capacity.

1. Pulse was cited on multiple occasions for operating over capacity, for not maintaining an accurate occupancy count, and for not posting its occupant load sign at all times.

2. Evidence suggests that the nightclub was over capacity on the night of the shooting. This evidence includes:

    a. Early reports that the number of people in the club was 321;

    b. The number of victims identified by the National Compassion Fund (304);

    c. The number of survivors provided by the OnePULSE Foundation to memorial/museum design teams, which in addition to the 49 people murdered brings the number at the club to 317.

3. The OneOrlando Fund, on the other hand, counted exactly 299 claimants, which is the exact occupancy load limit that if surpassed the law would have required Pulse owners to install a sprinkler system (Life Safety Feature). It is highly unlikely that the number of people inside of Pulse was exactly 299.[29] Records indicate that Pulse's occupant load was only temporarily reduced in 2009 from 430 to 299 until Pulse owners installed the sprinkler system that was required by law (NFPA 1 and NFPA 101).[30] However, records also show that the occupant load was 300 at the time of the shooting, even though there is no record of such a sprinkler system ever being installed.

4. Pulse's fluctuating occupancy loads shows that the City of Orlando was inept on multiple fronts, having flawed practices in calculating the occupancy load of a building whose square footage never (legally) increased, ignoring unpermitted renovations, and failing to keep businesses up to code even when it was notified of violations from outside security companies (see *5.2 Fire Alarm Cancellation and Interior Modifications* where the City of Orlando was notified of interior alterations by a private security company).

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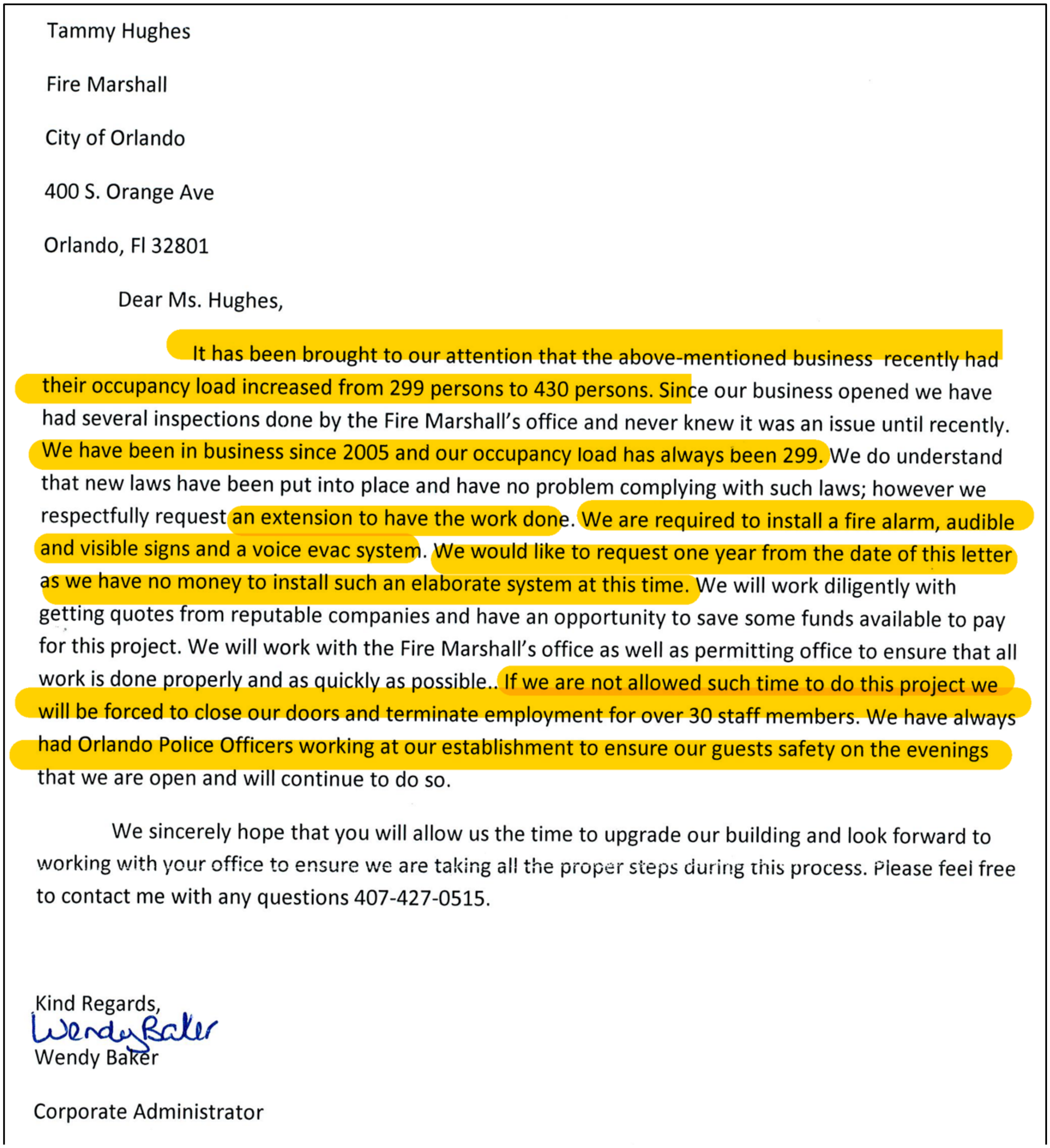
[29] https://www.oneorlando.org/oneorlando-fund-begin-payment-distribution/

[30] https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=1

Part V: Other Issues with Security and Risk Management

5.1 Letter to City: “We have no money to install such an elaborate system at this time”

The following letter was written to Fire Marshall Tammy Hughes on April 8, 2009 in response to request to comply with new laws that required the installation of new life safety features. In the letter, Wendy Baker Truett (employee of Rosario Poma) states, “If we are not allowed such time to do this project we will be forced to close our doors and terminate employment for over 30 staff members.”



Tammy Hughes

Fire Marshall

City of Orlando

400 S. Orange Ave

Orlando, Fl 32801

Dear Ms. Hughes,

It has been brought to our attention that the above-mentioned business recently had their occupancy load increased from 299 persons to 430 persons. Since our business opened we have had several inspections done by the Fire Marshall’s office and never knew it was an issue until recently. We have been in business since 2005 and our occupancy load has always been 299. We do understand that new laws have been put into place and have no problem complying with such laws; however we respectfully request an extension to have the work done. We are required to install a fire alarm, audible and visible signs and a voice evac system. We would like to request one year from the date of this letter as we have no money to install such an elaborate system at this time. We will work diligently with getting quotes from reputable companies and have an opportunity to save some funds available to pay for this project. We will work with the Fire Marshall’s office as well as permitting office to ensure that all work is done properly and as quickly as possible.. If we are not allowed such time to do this project we will be forced to close our doors and terminate employment for over 30 staff members. We have always had Orlando Police Officers working at our establishment to ensure our guests safety on the evenings that we are open and will continue to do so.

We sincerely hope that you will allow us the time to upgrade our building and look forward to working with your office to ensure we are taking all the proper steps during this process. Please feel free to contact me with any questions 407-427-0515.

Kind Regards,

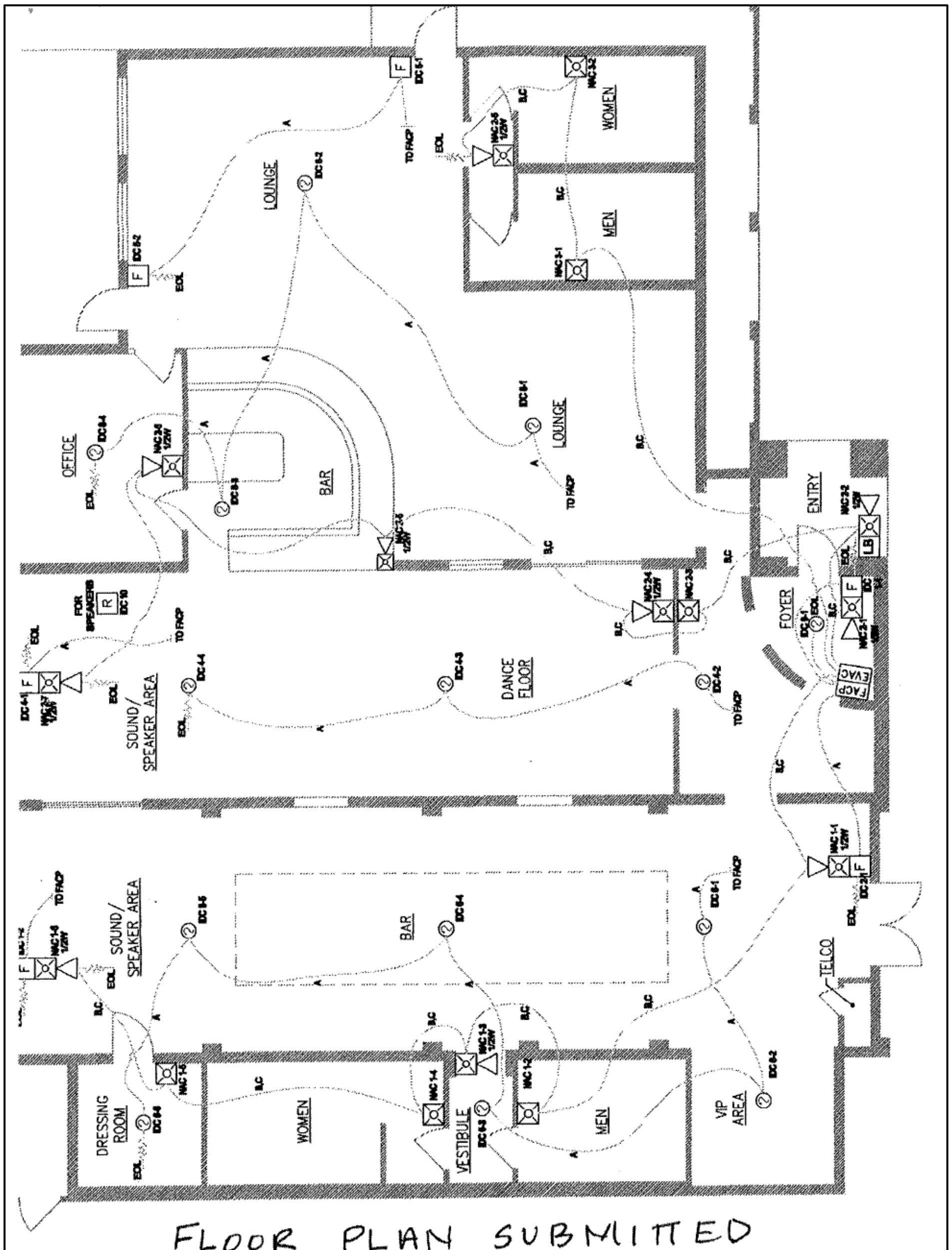
Wendy Baker

Wendy Baker

Corporate Administrator

Records indicate that a voice evac system was installed with permit FIR2009-01036, however, unpermitted floor plans were submitted with this permit.

These floor plans show the unpermitted hallway and reception area, which the City of Orlando recorded but did not check or inspect the building for changes. These documents were posted by the City of Orlando on the Pulse Tragedy Public Records site.[31]


LOUNGE
WOMEN
MEN
OFFICE
BAR
LOUNGE
ENTRY
FOYER
FACP EVAC
DANCE FLOOR
SOUND/ SPEAKER AREA
BAR
SOUND/ SPEAKER AREA
TELCO
DRESSING ROOM
WOMEN
VESTIBULE
MEN
VIP AREA

FLOOR PLAN SUBMITTED
W/ FIR 2009-01036

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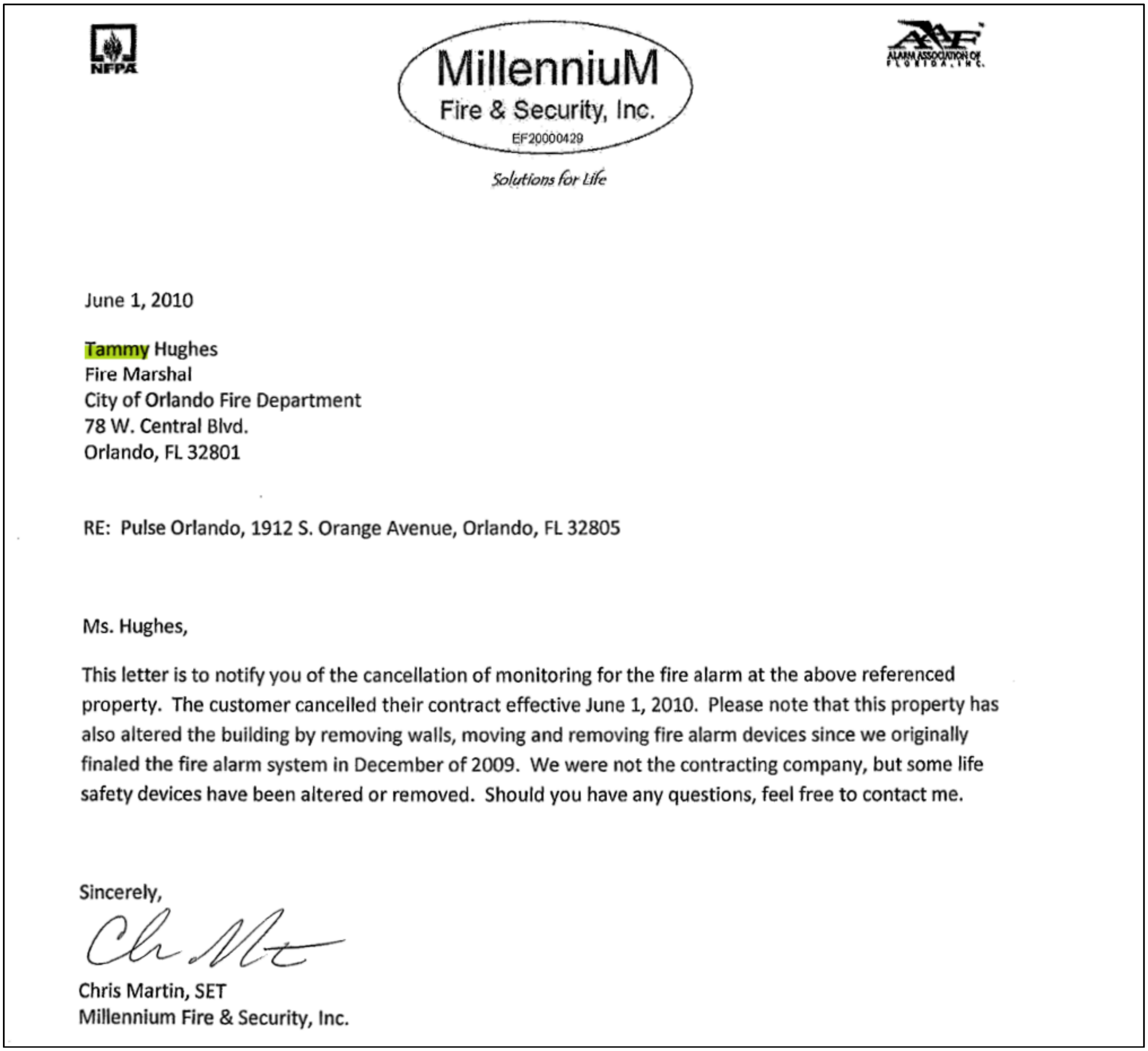
[31] https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records

5.2 Fire Alarm Cancellation and Interior Modifications

On June 1, 2010, Chris Martin of Millennium Fire and Security, Inc. sent a letter to Fire Marshall Tammy Hughes notifying the City of Orlando that Pulse cancelled their monitoring contract. Public records show a proposal originally signed by co-owner Barbara Poma. In this letter, Mr. Martin states, “this property has also altered the interior of the building by removing walls, moving and removing fire alarm devices since we originally finaled the fire alarm system in December of 2009… some safety devices have been altered or removed.”

While the fire alarm issue appears to have been remedied (as Pulse passed subsequent fire inspections), the City of Orlando never looked into the interior modifications per this notification or cited Pulse owners for unpermitted work.



NFPA
MillenniuM
Fire & Security, Inc.
EF20000429
Solutions for Life
ALARM ASSOCIATION OF FLORIDA, INC.

June 1, 2010

Tammy Hughes
Fire Marshal
City of Orlando Fire Department
78 W. Central Blvd.
Orlando, FL 32801

RE: Pulse Orlando, 1912 S. Orange Avenue, Orlando, FL 32805

Ms. Hughes,

This letter is to notify you of the cancellation of monitoring for the fire alarm at the above referenced property. The customer cancelled their contract effective June 1, 2010. Please note that this property has also altered the building by removing walls, moving and removing fire alarm devices since we originally finaled the fire alarm system in December of 2009. We were not the contracting company, but some life safety devices have been altered or removed. Should you have any questions, feel free to contact me.

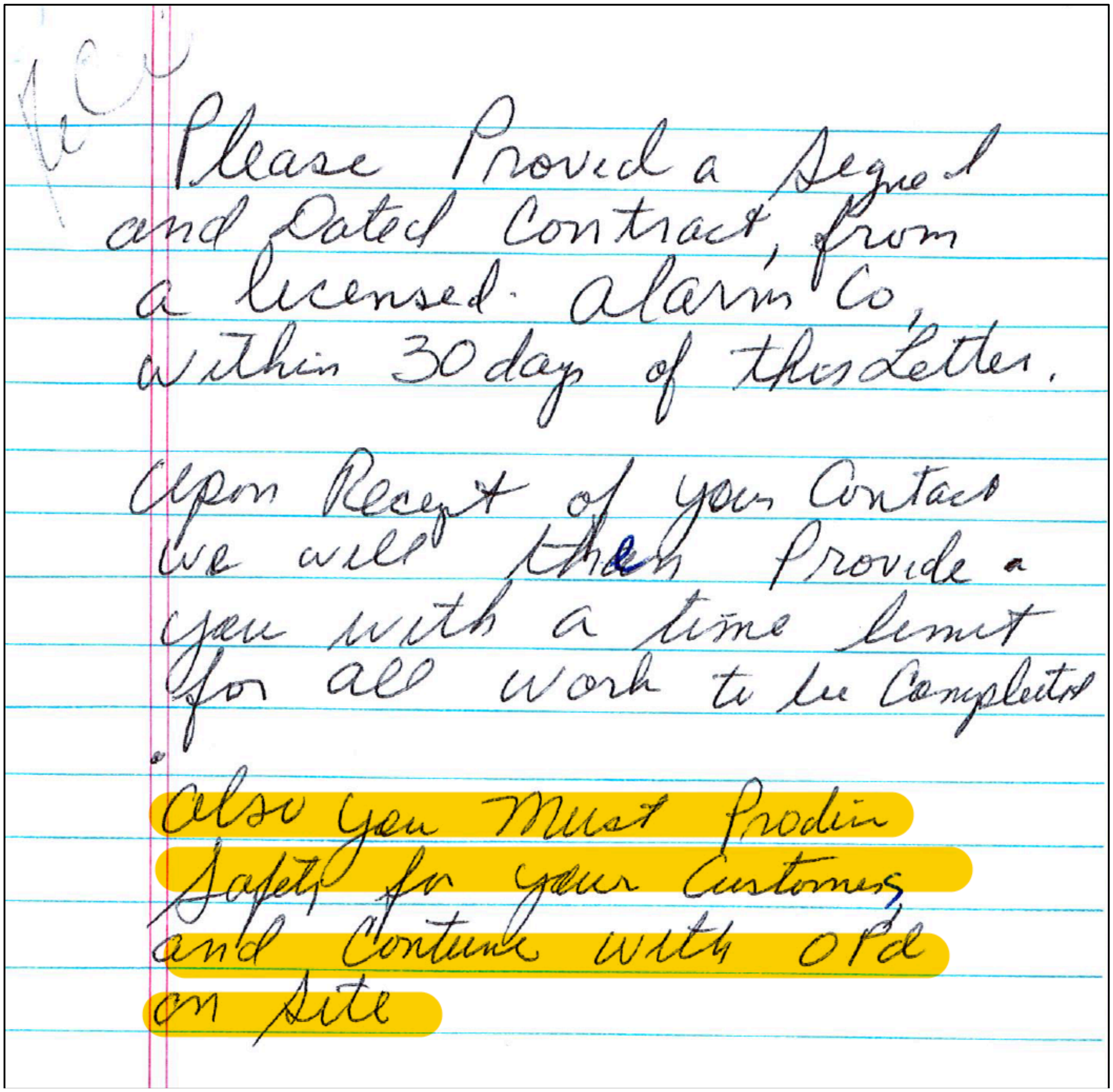
Sincerely,

Chris Martin, SET
Millennium Fire & Security, Inc.

5.3 City of Orlando to Rosario Poma: “You must provide safety for your customers”

Below is a handwritten note released by the City of Orlando on the Pulse Tragedy Public Records page. No author or date is provided. The note says:

- Please provide a signed and dated contract, from a licensed alarm company within 30 days of this letter.
- Upon received of your contract we will then provide you with a time limit for all work to be completed.
- Also you must provide safety for your customers and continue with OPD on site.



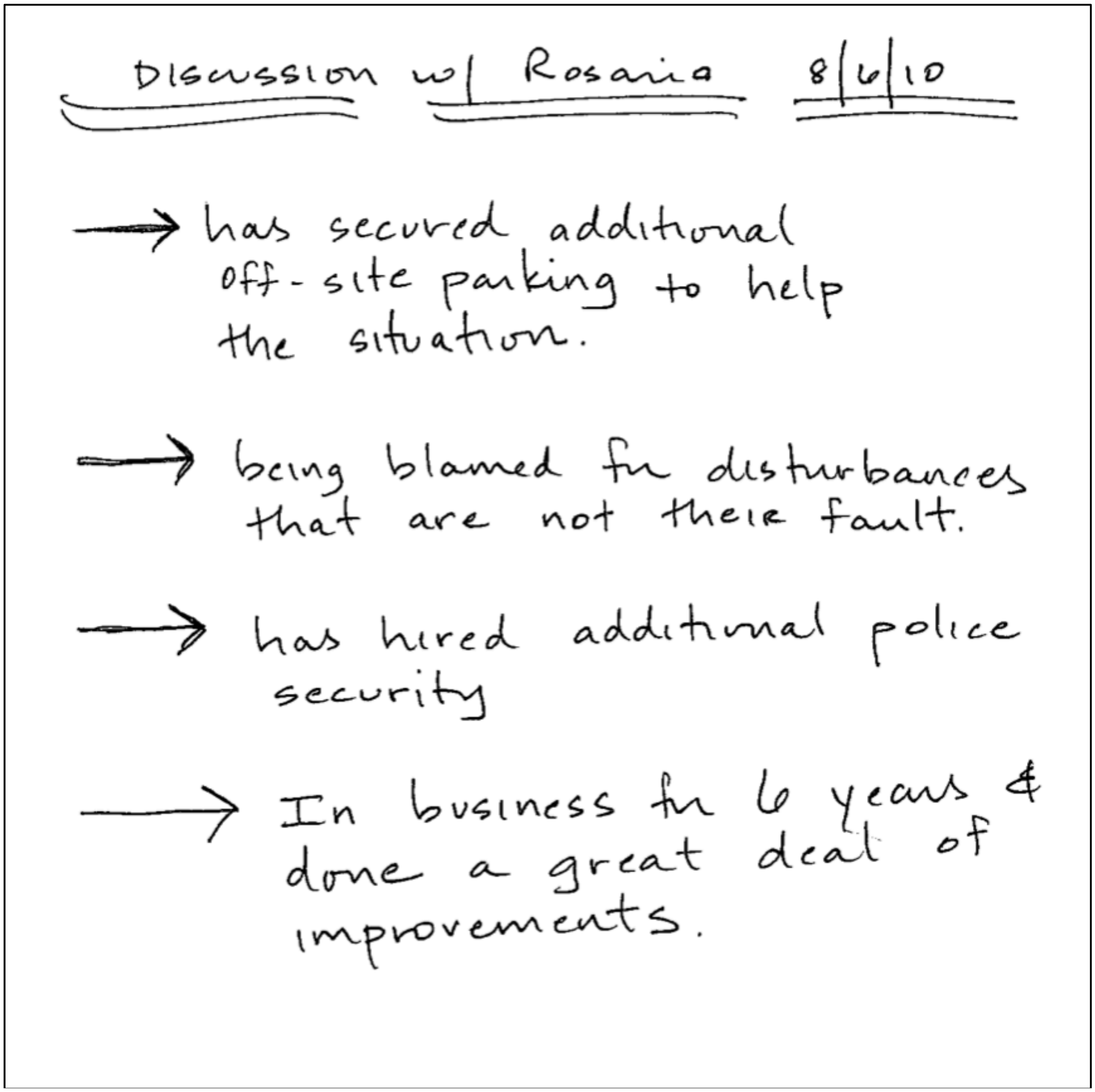
Please Provid a Segned
and Dated Contract, from
a licensed alarm Co,
within 30 day of this Letter.

Upon Receipt of your Contact
we will then Provide a
you with a time limit
for all work to be Completed

Also you Must Prodin
Safety for your Customers,
and Continue with OPd
on Site

5.4 City’s Notes with Rosario Poma (August 6, 2010)

This handwritten note taken following a conversation with Pulse co-owner Rosario Poma on August 6, 2010, documents that Mr. Poma claimed to have hired additional police security and that they have done “a great deal of improvements.” Video surveillance footage shows the shooter walking right into the nightclub around 2:02 am Sig Sauer MCX semi-automatic .223-caliber rifle and a Glock 17, 9 mm handgun—without being stopped by security. This note was released by the City of Orlando on the Pulse Tragedy Public Records site. The author is not identified.



Discussion w/ Rosario 8/6/10

→ has secured additional off-site parking to help the situation.

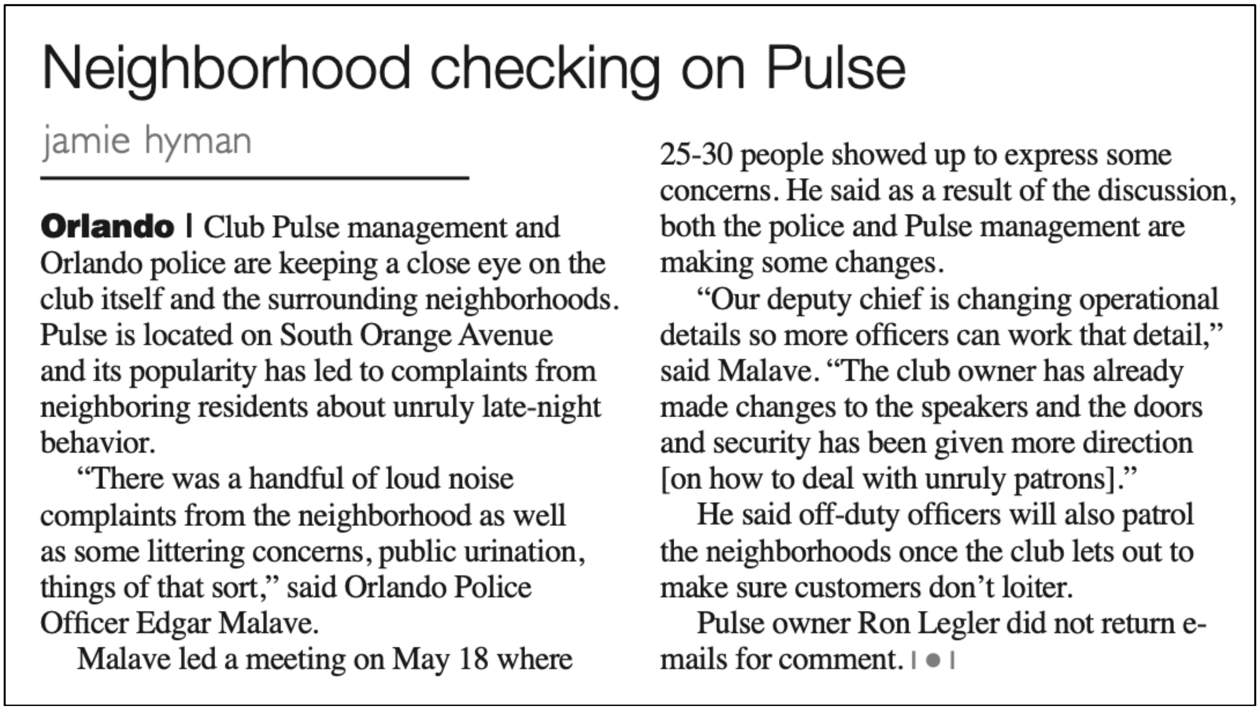
→ being blamed fr disturbances that are not their fault.

→ has hired additional police security

→ In business fr 6 years & done a great deal of improvements.

5.5 Neighborhood Meeting About Pulse and Letter to Mayor Daley

On May 18, 2010, residents from the neighborhood surrounding Pulse met with the Orlando Police Department and Pulse co-owner, Rosario Poma, to discuss noise and other issues emanating from the nightclub.



Neighborhood checking on Pulse

jamie hyman

Orlando | Club Pulse management and Orlando police are keeping a close eye on the club itself and the surrounding neighborhoods. Pulse is located on South Orange Avenue and its popularity has led to complaints from neighboring residents about unruly late-night behavior.

"There was a handful of loud noise complaints from the neighborhood as well as some littering concerns, public urination, things of that sort," said Orlando Police Officer Edgar Malave.

Malave led a meeting on May 18 where 25-30 people showed up to express some concerns. He said as a result of the discussion, both the police and Pulse management are making some changes.

"Our deputy chief is changing operational details so more officers can work that detail," said Malave. "The club owner has already made changes to the speakers and the doors and security has been given more direction [on how to deal with unruly patrons]."

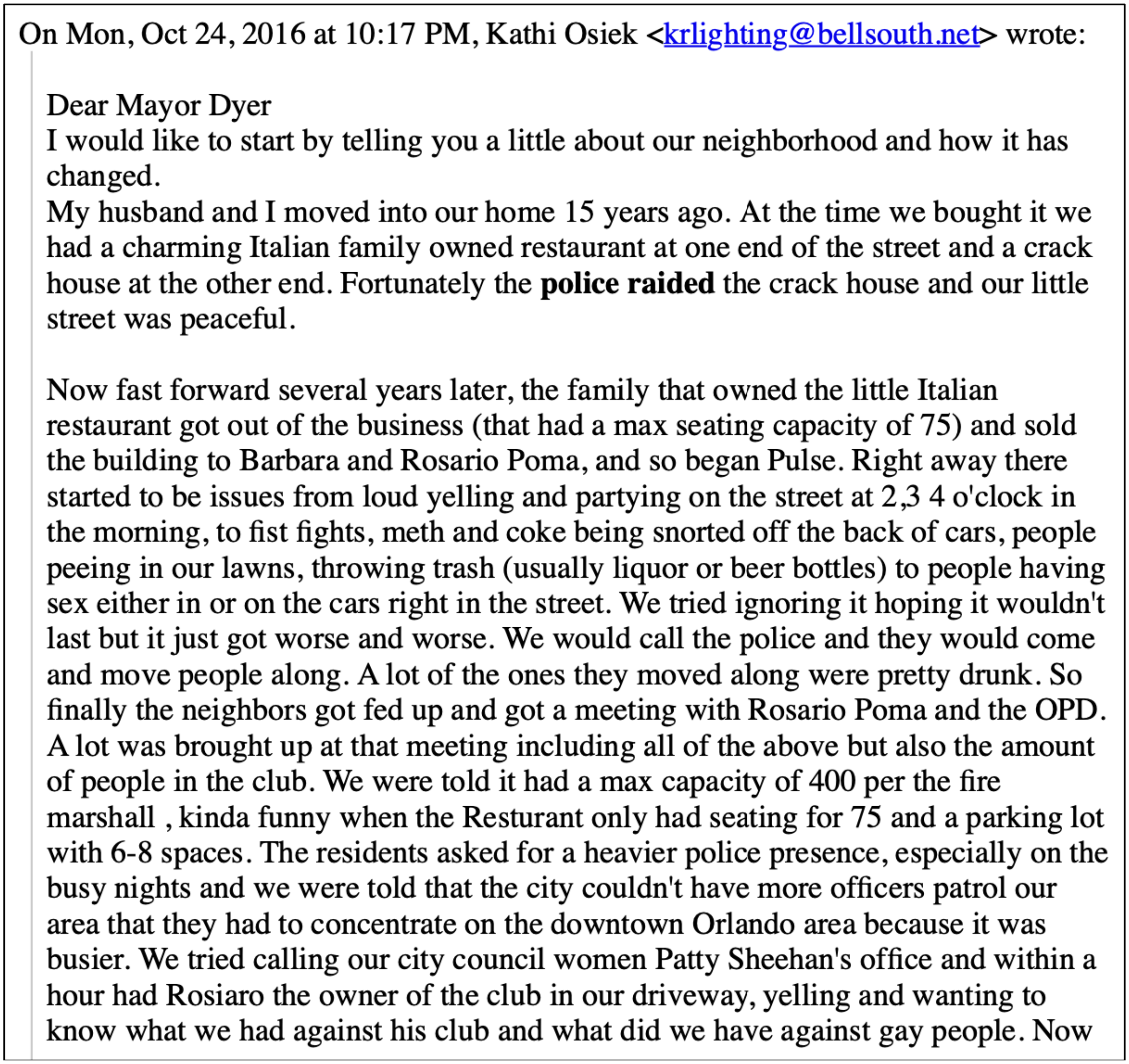
He said off-duty officers will also patrol the neighborhoods once the club lets out to make sure customers don't loiter.

Pulse owner Ron Legler did not return e-mails for comment. | ● |

Figure 56:This article is from Watermark, May-June 2010. In interviews with neighborhood residents who attended this meeting, they claimed that Rosario Poma was in attendance. Co-owner Ron Legler, who came up with the idea for the gay ultra-lounge, no longer had ownership in the business at the time of the shooting.

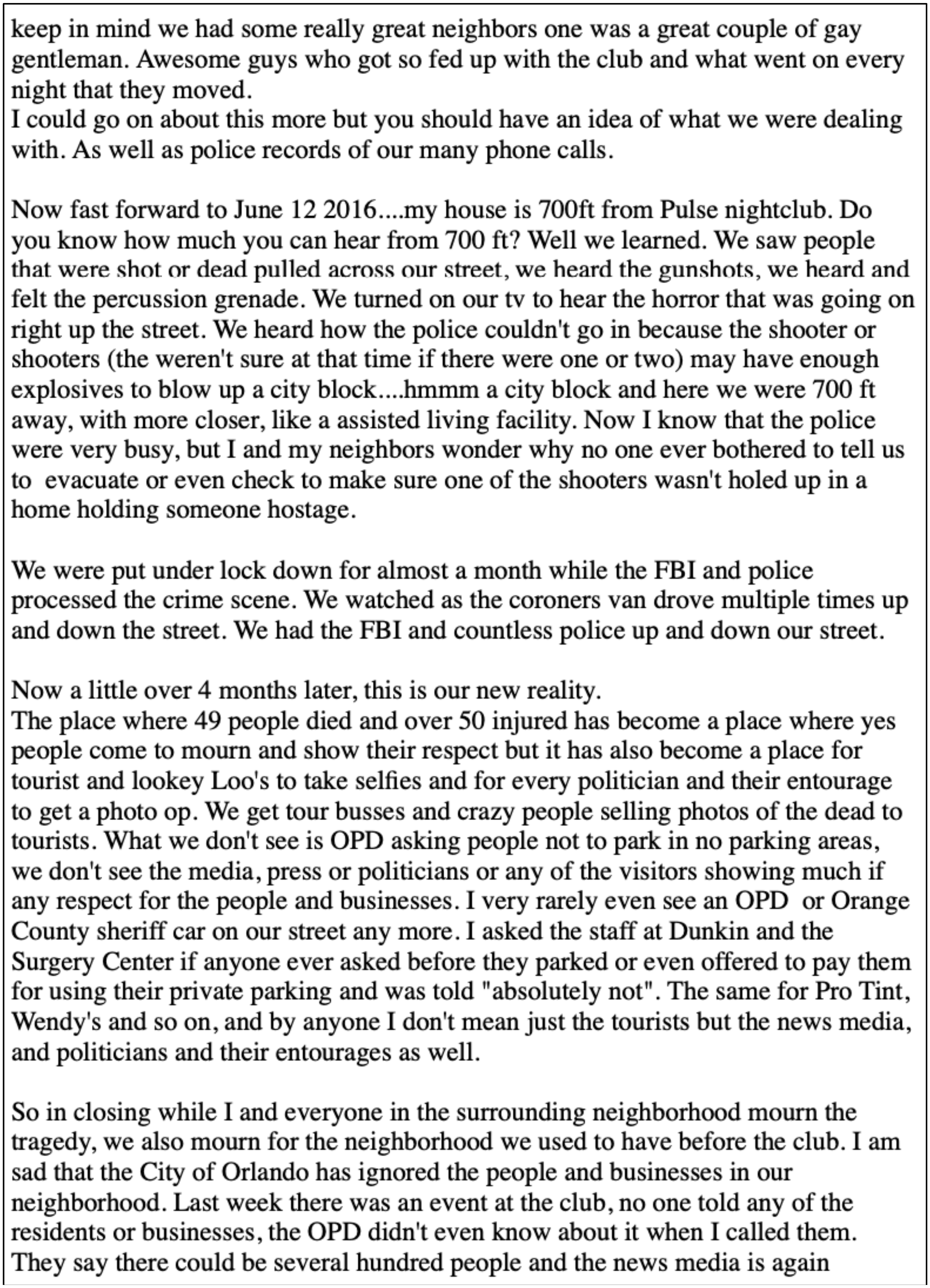
These issues were described by a neighboring resident in an email to the City of Orlando sent after the shooting, in which she states, "The residents asked for a heavier police presence, especially on the busy night and we were told that the city couldn't have more officers patrol our area that they had to concentrate on the downtown Orlando area because it was busier." The resident also addresses issues with the removal of parking spaces and the discrepancies between the size and use of the building before and after it was converted into the Pulse nightclub. She says, "We were told it had a max capacity of 400 per the fire marshall, kinda funny when the Resurant (sic) only had seating for 75 and a parking lot with 6-8 spaces."

This email (below) was obtained through an individual public records request.



On Mon, Oct 24, 2016 at 10:17 PM, Kathi Osiek <krlighting@bellsouth.net> wrote:

> Dear Mayor Dyer
> I would like to start by telling you a little about our neighborhood and how it has changed.
> My husband and I moved into our home 15 years ago. At the time we bought it we had a charming Italian family owned restaurant at one end of the street and a crack house at the other end. Fortunately the **police raided** the crack house and our little street was peaceful.
>
> Now fast forward several years later, the family that owned the little Italian restaurant got out of the business (that had a max seating capacity of 75) and sold the building to Barbara and Rosario Poma, and so began Pulse. Right away there started to be issues from loud yelling and partying on the street at 2,3 4 o'clock in the morning, to fist fights, meth and coke being snorted off the back of cars, people peeing in our lawns, throwing trash (usually liquor or beer bottles) to people having sex either in or on the cars right in the street. We tried ignoring it hoping it wouldn't last but it just got worse and worse. We would call the police and they would come and move people along. A lot of the ones they moved along were pretty drunk. So finally the neighbors got fed up and got a meeting with Rosario Poma and the OPD. A lot was brought up at that meeting including all of the above but also the amount of people in the club. We were told it had a max capacity of 400 per the fire marshall , kinda funny when the Resturant only had seating for 75 and a parking lot with 6-8 spaces. The residents asked for a heavier police presence, especially on the busy nights and we were told that the city couldn't have more officers patrol our area that they had to concentrate on the downtown Orlando area because it was busier. We tried calling our city council women Patty Sheehan's office and within a hour had Rosiaro the owner of the club in our driveway, yelling and wanting to know what we had against his club and what did we have against gay people. Now



keep in mind we had some really great neighbors one was a great couple of gay gentleman. Awesome guys who got so fed up with the club and what went on every night that they moved.

I could go on about this more but you should have an idea of what we were dealing with. As well as police records of our many phone calls.

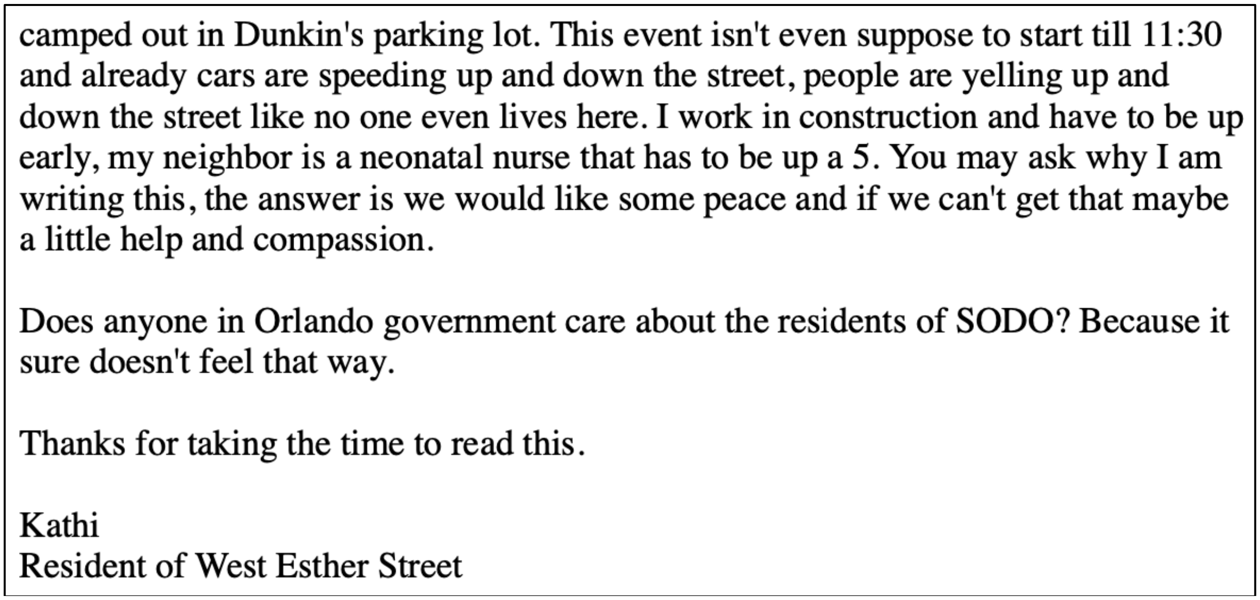
Now fast forward to June 12 2016....my house is 700ft from Pulse nightclub. Do you know how much you can hear from 700 ft? Well we learned. We saw people that were shot or dead pulled across our street, we heard the gunshots, we heard and felt the percussion grenade. We turned on our tv to hear the horror that was going on right up the street. We heard how the police couldn't go in because the shooter or shooters (the weren't sure at that time if there were one or two) may have enough explosives to blow up a city block....hmmm a city block and here we were 700 ft away, with more closer, like a assisted living facility. Now I know that the police were very busy, but I and my neighbors wonder why no one ever bothered to tell us to evacuate or even check to make sure one of the shooters wasn't holed up in a home holding someone hostage.

We were put under lock down for almost a month while the FBI and police processed the crime scene. We watched as the coroners van drove multiple times up and down the street. We had the FBI and countless police up and down our street.

Now a little over 4 months later, this is our new reality.

The place where 49 people died and over 50 injured has become a place where yes people come to mourn and show their respect but it has also become a place for tourist and lookey Loo's to take selfies and for every politician and their entourage to get a photo op. We get tour busses and crazy people selling photos of the dead to tourists. What we don't see is OPD asking people not to park in no parking areas, we don't see the media, press or politicians or any of the visitors showing much if any respect for the people and businesses. I very rarely even see an OPD or Orange County sheriff car on our street any more. I asked the staff at Dunkin and the Surgery Center if anyone ever asked before they parked or even offered to pay them for using their private parking and was told "absolutely not". The same for Pro Tint, Wendy's and so on, and by anyone I don't mean just the tourists but the news media, and politicians and their entourages as well.

So in closing while I and everyone in the surrounding neighborhood mourn the tragedy, we also mourn for the neighborhood we used to have before the club. I am sad that the City of Orlando has ignored the people and businesses in our neighborhood. Last week there was an event at the club, no one told any of the residents or businesses, the OPD didn't even know about it when I called them. They say there could be several hundred people and the news media is again



camped out in Dunkin's parking lot. This event isn't even suppose to start till 11:30 and already cars are speeding up and down the street, people are yelling up and down the street like no one even lives here. I work in construction and have to be up early, my neighbor is a neonatal nurse that has to be up a 5. You may ask why I am writing this, the answer is we would like some peace and if we can't get that maybe a little help and compassion.

Does anyone in Orlando government care about the residents of SODO? Because it sure doesn't feel that way.

Thanks for taking the time to read this.

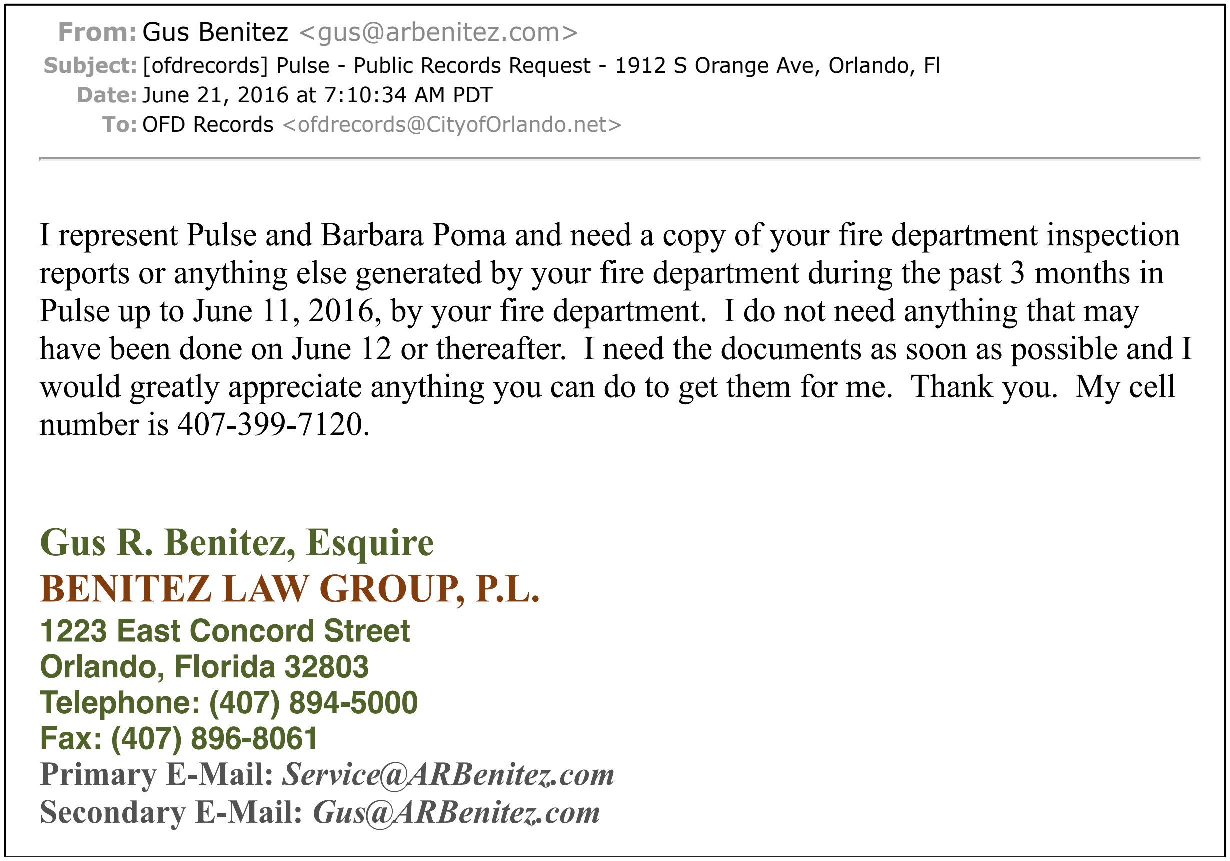
Kathi
Resident of West Esther Street

5.6 Poma’s lawyer, Gus Benitez, requests Orlando Fire Department Records

On June 21, 2016, Gus Benitez, lawyer for Rosario Poma and Barbara Poma, requested fire inspection records from the City of Orlando.

This email (below) suggests that owners were not in compliance with the Florida Fire Prevention Code: **10.2.5** The owner, operator, or occupant or any person in control of a building or premises shall keep records of all maintenance, inspections, and testing of fire protection systems, fire alarm systems, smoke control systems, emergency evacuation and relocation drills, emergency plans, emergency power, elevators, and other equipment as required by the AHJ.

This email was obtained through an individual public records request.



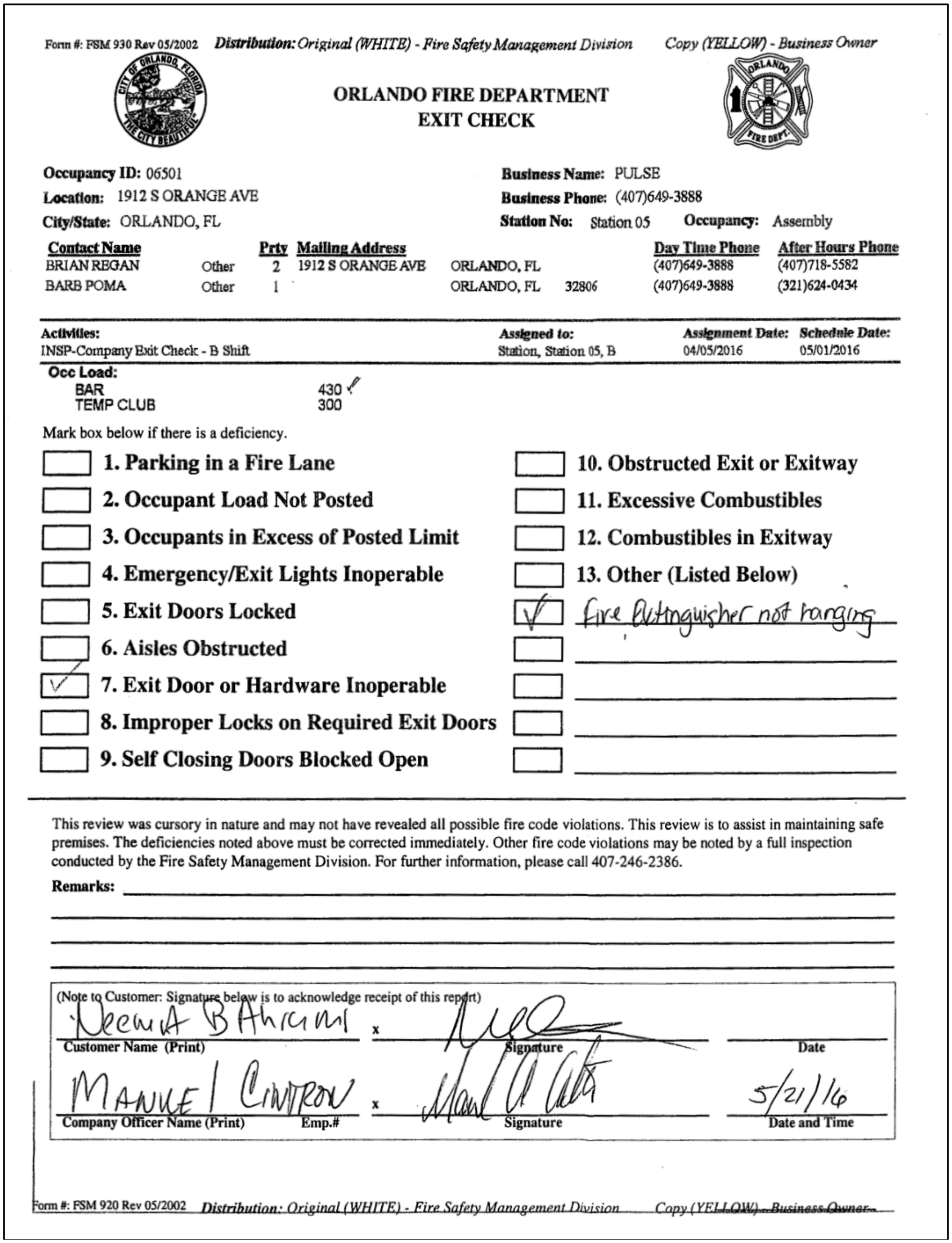
From: Gus Benitez <gus@arbenitez.com>
Subject: [ofdrecords] Pulse - Public Records Request - 1912 S Orange Ave, Orlando, Fl
Date: June 21, 2016 at 7:10:34 AM PDT
To: OFD Records <ofdrecords@CityofOrlando.net>

I represent Pulse and Barbara Poma and need a copy of your fire department inspection reports or anything else generated by your fire department during the past 3 months in Pulse up to June 11, 2016, by your fire department. I do not need anything that may have been done on June 12 or thereafter. I need the documents as soon as possible and I would greatly appreciate anything you can do to get them for me. Thank you. My cell number is 407-399-7120.

Gus R. Benitez, Esquire
BENITEZ LAW GROUP, P.L.
1223 East Concord Street
Orlando, Florida 32803
Telephone: (407) 894-5000
Fax: (407) 896-8061
Primary E-Mail: ***Service@ARBenitez.com***
Secondary E-Mail: ***Gus@ARBenitez.com***

5.7 Blocked, Locked, and Improperly Functioning Doors and Obstructed Exits

On the last exit check done at Pulse prior to the shooting (May 21, 2016), inspectors marked that an "Exit Door or Hardware [was] Inoperable."



Form #: FSM 930 Rev 05/2002 **Distribution:** *Original (WHITE) - Fire Safety Management Division* *Copy (YELLOW) - Business Owner*

ORLANDO FIRE DEPARTMENT
EXIT CHECK

Occupancy ID: 06501
Location: 1912 S ORANGE AVE
City/State: ORLANDO, FL
Business Name: PULSE
Business Phone: (407)649-3888
Station No: Station 05 **Occupancy:** Assembly

Contact Name		Prty	Mailing Address			Day Time Phone	After Hours Phone
BRIAN REGAN	Other	2	1912 S ORANGE AVE	ORLANDO, FL		(407)649-3888	(407)718-5582
BARB POMA	Other	1		ORLANDO, FL	32806	(407)649-3888	(321)624-0434

Activities:	Assigned to:	Assignment Date:	Schedule Date:
INSP-Company Exit Check - B Shift	Station, Station 05, B	04/05/2016	05/01/2016

Occ Load:

BAR	430 ✓
TEMP CLUB	300

Mark box below if there is a deficiency.

- ☐ **1. Parking in a Fire Lane**
- ☐ **2. Occupant Load Not Posted**
- ☐ **3. Occupants in Excess of Posted Limit**
- ☐ **4. Emergency/Exit Lights Inoperable**
- ☐ **5. Exit Doors Locked**
- ☐ **6. Aisles Obstructed**
- ☑ **7. Exit Door or Hardware Inoperable**
- ☐ **8. Improper Locks on Required Exit Doors**
- ☐ **9. Self Closing Doors Blocked Open**
- ☐ **10. Obstructed Exit or Exitway**
- ☐ **11. Excessive Combustibles**
- ☐ **12. Combustibles in Exitway**
- ☐ **13. Other (Listed Below)**
- ☑ Fire extinguisher not hanging
- ☐ ______
- ☐ ______
- ☐ ______
- ☐ ______

This review was cursory in nature and may not have revealed all possible fire code violations. This review is to assist in maintaining safe premises. The deficiencies noted above must be corrected immediately. Other fire code violations may be noted by a full inspection conducted by the Fire Safety Management Division. For further information, please call 407-246-2386.

Remarks: ______

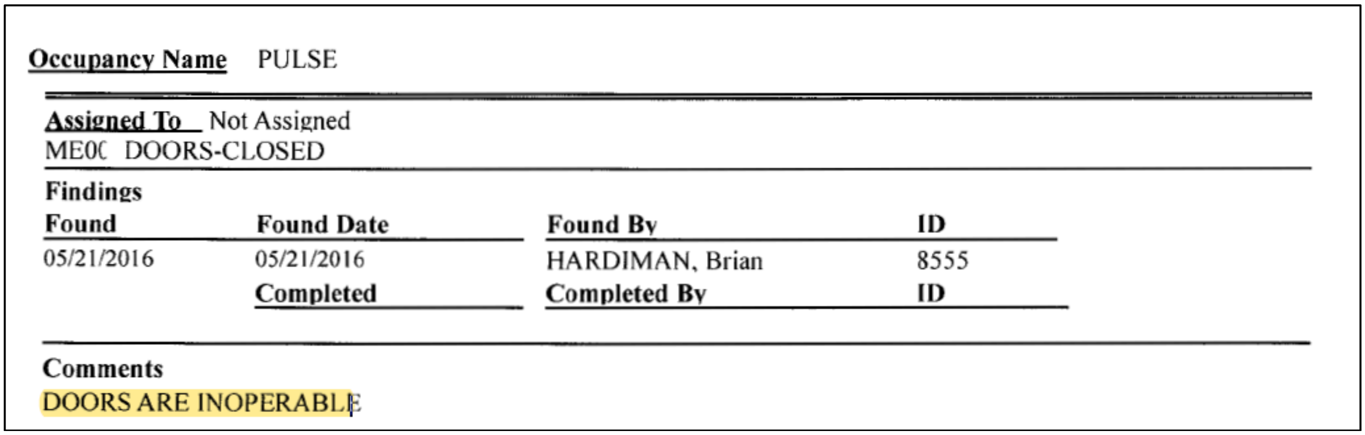
(Note to Customer: Signature below is to acknowledge receipt of this report)

Neema Bahrami
Customer Name (Print) x ______ **Signature** ______ **Date**

Manuel Cintron
Company Officer Name (Print) **Emp.#** x ______ **Signature** 5/21/16 **Date and Time**

Form #: FSM 920 Rev 05/2002 *Distribution: Original (WHITE) - Fire Safety Management Division* *Copy (YELLOW) - Business Owner*

After the shooting, the City of Orlando claimed that this was a reporting mistake and that the inspector was referring to an emergency sign that needed a backup battery.[32] However, in a second page, under comments, "Doors are inoperable" was written referring to more than one door. A follow-up inspection was scheduled for July 1, 2016, thus was not completed prior to the shooting.



Occupancy Name PULSE

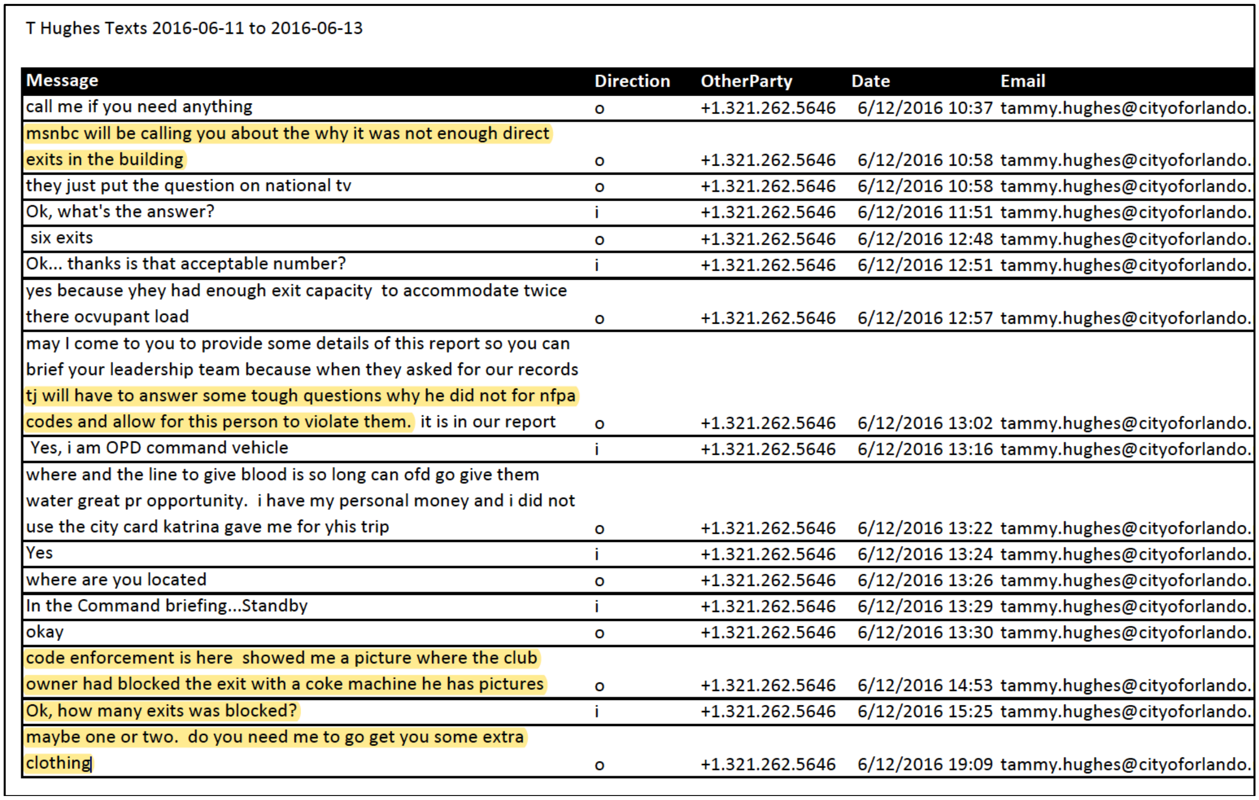
Assigned To Not Assigned
ME0(DOORS-CLOSED

Findings

Found	Found Date	Found By	ID
05/21/2016	05/21/2016	HARDIMAN, Brian	8555
	Completed	**Completed By**	**ID**

Comments
DOORS ARE INOPERABLE

Additional records and survivor accounts indicate that Pulse had a number of doors that were either: blocked, locked, hidden, employee-only, or improperly functioning. Aerial video footage of a knocked-over Coke machine circulated widely in the aftermath of the shooting[33] and text messages from Fire Marshal Tammy Hughes stated that "one or two" exits were blocked, with at least one being blocked by the Coke machine.



T Hughes Texts 2016-06-11 to 2016-06-13

Message	Direction	OtherParty	Date	Email
call me if you need anything	o	+1.321.262.5646	6/12/2016 10:37	tammy.hughes@cityoforlando.
msnbc will be calling you about the why it was not enough direct exits in the building	o	+1.321.262.5646	6/12/2016 10:58	tammy.hughes@cityoforlando.
they just put the question on national tv	o	+1.321.262.5646	6/12/2016 10:58	tammy.hughes@cityoforlando.
Ok, what's the answer?	i	+1.321.262.5646	6/12/2016 11:51	tammy.hughes@cityoforlando.
six exits	o	+1.321.262.5646	6/12/2016 12:48	tammy.hughes@cityoforlando.
Ok... thanks is that acceptable number?	i	+1.321.262.5646	6/12/2016 12:51	tammy.hughes@cityoforlando.
yes because yhey had enough exit capacity to accommodate twice there ocvupant load	o	+1.321.262.5646	6/12/2016 12:57	tammy.hughes@cityoforlando.
may I come to you to provide some details of this report so you can brief your leadership team because when they asked for our records tj will have to answer some tough questions why he did not for nfpa codes and allow for this person to violate them. it is in our report	o	+1.321.262.5646	6/12/2016 13:02	tammy.hughes@cityoforlando.
Yes, i am OPD command vehicle	i	+1.321.262.5646	6/12/2016 13:16	tammy.hughes@cityoforlando.
where and the line to give blood is so long can ofd go give them water great pr opportunity. i have my personal money and i did not use the city card katrina gave me for yhis trip	o	+1.321.262.5646	6/12/2016 13:22	tammy.hughes@cityoforlando.
Yes	i	+1.321.262.5646	6/12/2016 13:24	tammy.hughes@cityoforlando.
where are you located	o	+1.321.262.5646	6/12/2016 13:26	tammy.hughes@cityoforlando.
In the Command briefing...Standby	i	+1.321.262.5646	6/12/2016 13:29	tammy.hughes@cityoforlando.
okay	o	+1.321.262.5646	6/12/2016 13:30	tammy.hughes@cityoforlando.
code enforcement is here showed me a picture where the club owner had blocked the exit with a coke machine he has pictures	o	+1.321.262.5646	6/12/2016 14:53	tammy.hughes@cityoforlando.
Ok, how many exits was blocked?	i	+1.321.262.5646	6/12/2016 15:25	tammy.hughes@cityoforlando.
maybe one or two. do you need me to go get you some extra clothing	o	+1.321.262.5646	6/12/2016 19:09	tammy.hughes@cityoforlando.

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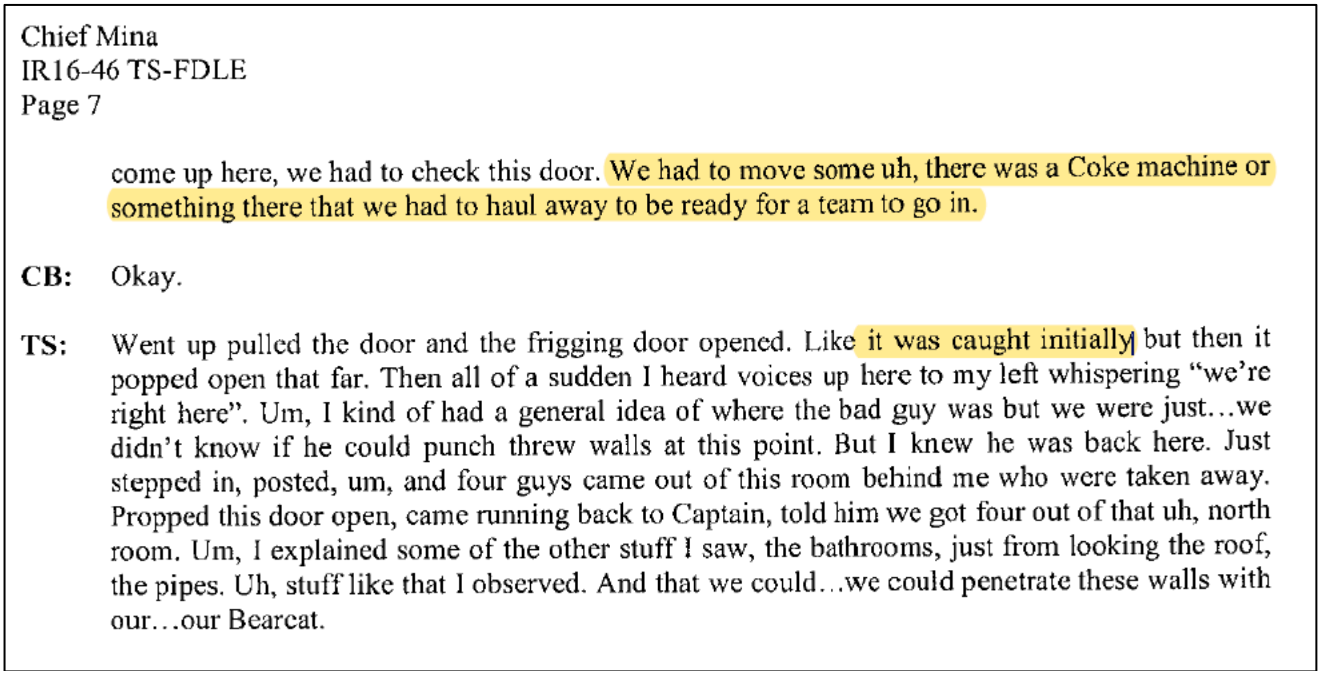
[32] https://www.orlandosentinel.com/news/pulse-orlando-nightclub-shooting/os-pulse-shooting-records-20160628-story.html
[33] https://www.wesh.com/article/was-an-exit-at-pulse-blocked-when-shooting-massacre-occurred/3916751

The pictures obtained by code enforcement that are referenced in these text messages were never released on the City of Orlando's Pulse Tragedy Public Records Page, but it was soon determined that the Coke machine did not block an exit door, but rather it blocked the door to a utility room door that was closed off from main nightclub.[34]

While the Coke machine did not block Pulse's exit doors, it did block first responders from accessing the interior of the building to evaluate its layout and rescue hostages trapped inside the dressing room adjacent to the utility room—the door of which was blocked by the Coke machine. First responders had to forcibly move the Coke machine from the blocked door to get inside and save lives, which is how it ended up laying sideways on the ground behind Pulse.

In a transcript from an OPD internal investigation (June 17, 2016), Officer Timothy Stanley stated that the Coke machine had to be hauled away for the team to gain entry to the building's utility room. Stanley also stated that the door was "caught initially but then it popped open that far."



Chief Mina
IR16-46 TS-FDLE
Page 7

come up here, we had to check this door. We had to move some uh, there was a Coke machine or something there that we had to haul away to be ready for a team to go in.

CB: Okay.

TS: Went up pulled the door and the frigging door opened. Like it was caught initially but then it popped open that far. Then all of a sudden I heard voices up here to my left whispering "we're right here". Um, I kind of had a general idea of where the bad guy was but we were just…we didn't know if he could punch threw walls at this point. But I knew he was back here. Just stepped in, posted, um, and four guys came out of this room behind me who were taken away. Propped this door open, came running back to Captain, told him we got four out of that uh, north room. Um, I explained some of the other stuff I saw, the bathrooms, just from looking the roof, the pipes. Uh, stuff like that I observed. And that we could…we could penetrate these walls with our…our Bearcat.

Emails from Orlando Fire Marshal Tammy Hughes stated that a company survey completed before the shooting and received by the City of Orlando on June 6, 2016 showed that there was an actual blocked exit that the City of Orlando never checked (as the shooting occurred within the normal processing window). The time frame of the "normal processing window" is not stated and the company survey was not released to the public on the Pulse Tragedy Public Records page.

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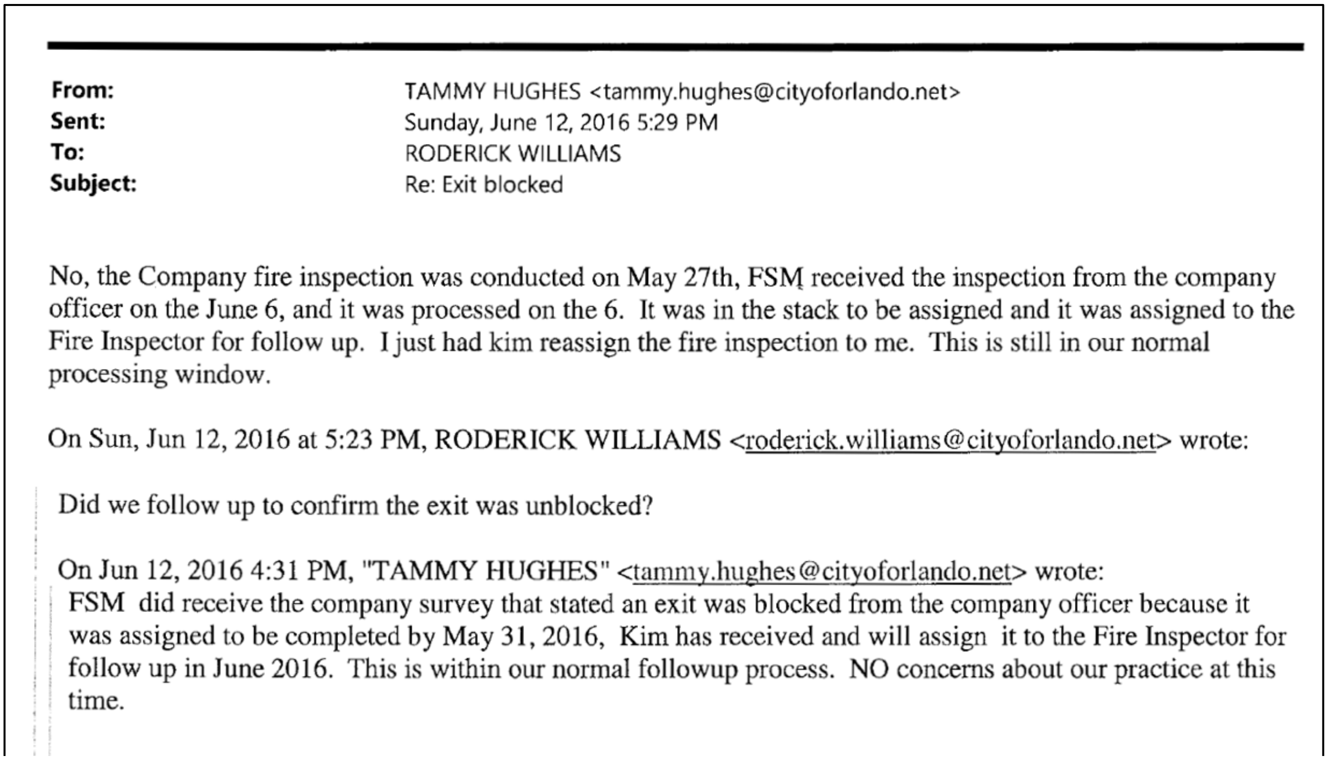
[34] https://www.wesh.com/article/investigation-pulse-door-wasn-t-blocked-by-soda-machine/4450515



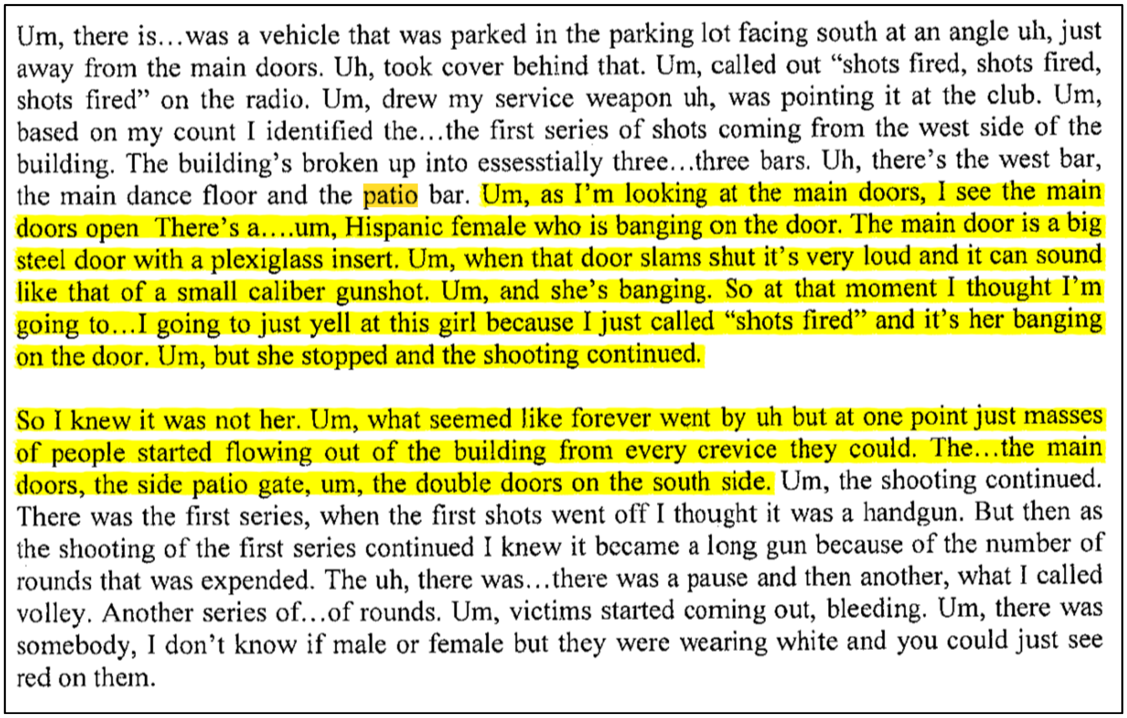
From: TAMMY HUGHES <tammy.hughes@cityoforlando.net>
Sent: Sunday, June 12, 2016 5:29 PM
To: RODERICK WILLIAMS
Subject: Re: Exit blocked

No, the Company fire inspection was conducted on May 27th, FSM received the inspection from the company officer on the June 6, and it was processed on the 6. It was in the stack to be assigned and it was assigned to the Fire Inspector for follow up. I just had kim reassign the fire inspection to me. This is still in our normal processing window.

On Sun, Jun 12, 2016 at 5:23 PM, RODERICK WILLIAMS <roderick.williams@cityoforlando.net> wrote:

> Did we follow up to confirm the exit was unblocked?
>
> On Jun 12, 2016 4:31 PM, "TAMMY HUGHES" <tammy.hughes@cityoforlando.net> wrote:
>
> > FSM did receive the company survey that stated an exit was blocked from the company officer because it was assigned to be completed by May 31, 2016, Kim has received and will assign it to the Fire Inspector for follow up in June 2016. This is within our normal followup process. NO concerns about our practice at this time.

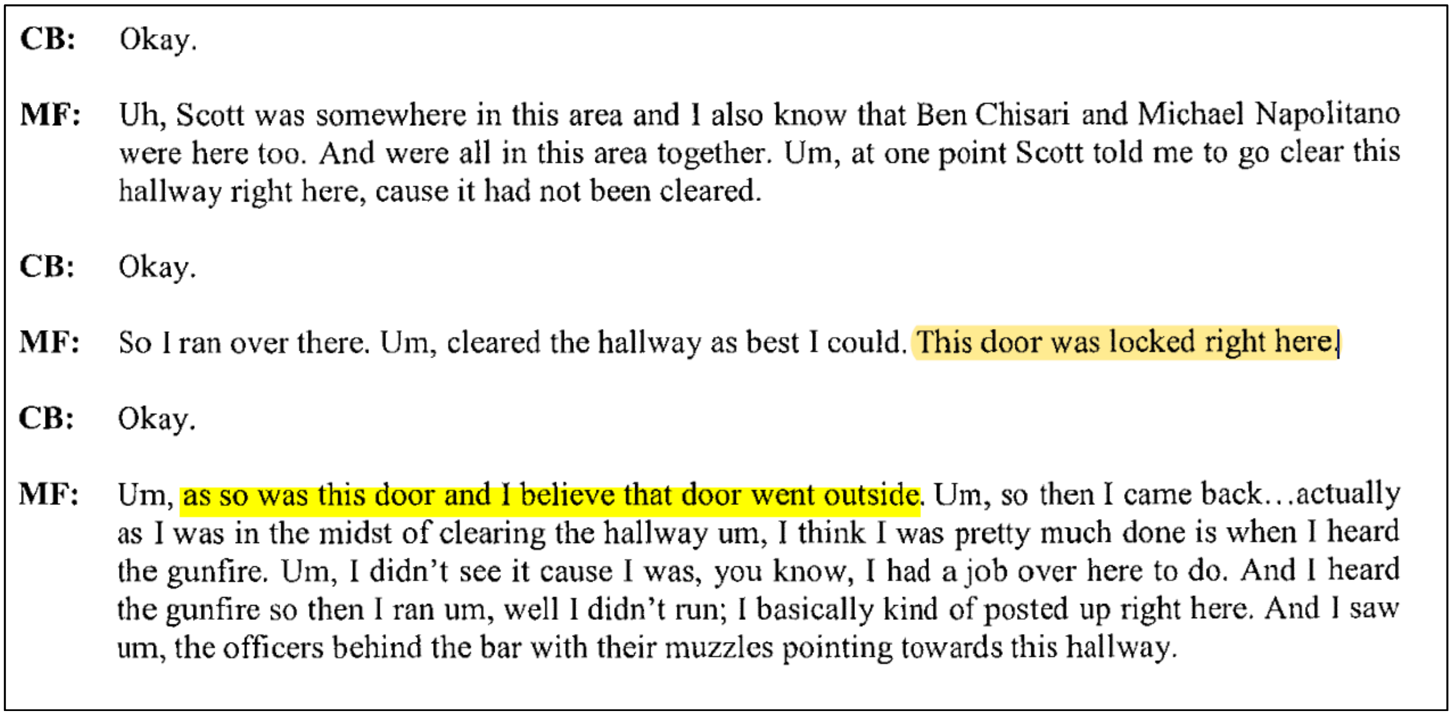
In another transcript from the same OPD internal investigation (June 17, 2016), Detective Adam Gruler stated that a Hispanic female was banging on the [main] door. He said, "The main door is a big steel door with a plexiglass insert. Um, when the door slams shut it's very loud and it can sound like that of a small caliber gunshot. Um, she's banging… but she stopped and the shooting continued." Gruler also names the three "crevices" that people were using to leave the building: (1) the main doors; (2) patio gate; and (3) double doors on the south side.



Um, there is…was a vehicle that was parked in the parking lot facing south at an angle uh, just away from the main doors. Uh, took cover behind that. Um, called out "shots fired, shots fired, shots fired" on the radio. Um, drew my service weapon uh, was pointing it at the club. Um, based on my count I identified the…the first series of shots coming from the west side of the building. The building's broken up into essesstially three…three bars. Uh, there's the west bar, the main dance floor and the patio bar. Um, as I'm looking at the main doors, I see the main doors open There's a….um, Hispanic female who is banging on the door. The main door is a big steel door with a plexiglass insert. Um, when that door slams shut it's very loud and it can sound like that of a small caliber gunshot. Um, and she's banging. So at that moment I thought I'm going to…I going to just yell at this girl because I just called "shots fired" and it's her banging on the door. Um, but she stopped and the shooting continued.

So I knew it was not her. Um, what seemed like forever went by uh but at one point just masses of people started flowing out of the building from every crevice they could. The…the main doors, the side patio gate, um, the double doors on the south side. Um, the shooting continued. There was the first series, when the first shots went off I thought it was a handgun. But then as the shooting of the first series continued I knew it became a long gun because of the number of rounds that was expended. The uh, there was…there was a pause and then another, what I called volley. Another series of…of rounds. Um, victims started coming out, bleeding. Um, there was somebody, I don't know if male or female but they were wearing white and you could just see red on them.

In other transcripts, first responders stated that one door, believed to exit to the outside, was locked with a keypad on it. The following is a conversation between FDLE Special Agent Craig Beers and Officer Elio “Manny” Florin had on June 21, 2016:



CB: Okay.

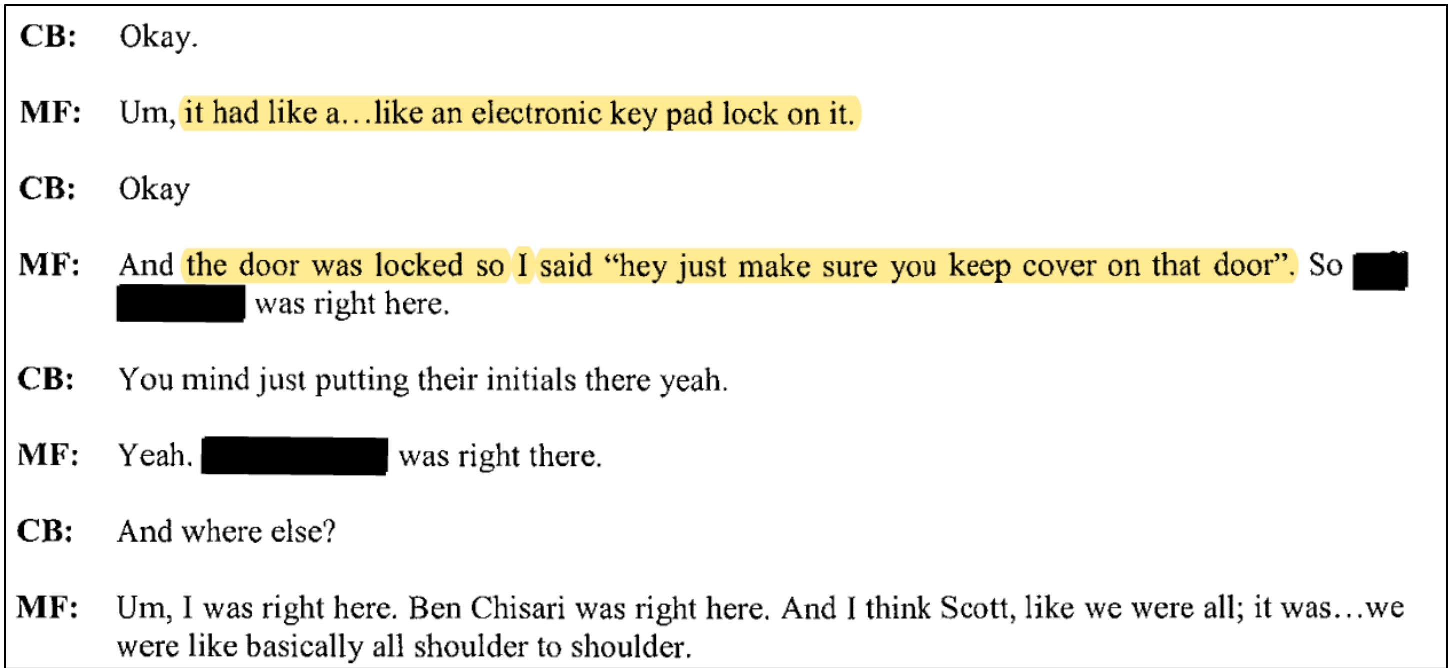
MF: Uh, Scott was somewhere in this area and I also know that Ben Chisari and Michael Napolitano were here too. And were all in this area together. Um, at one point Scott told me to go clear this hallway right here, cause it had not been cleared.

CB: Okay.

MF: So I ran over there. Um, cleared the hallway as best I could. This door was locked right here.

CB: Okay.

MF: Um, as so was this door and I believe that door went outside. Um, so then I came back…actually as I was in the midst of clearing the hallway um, I think I was pretty much done is when I heard the gunfire. Um, I didn’t see it cause I was, you know, I had a job over here to do. And I heard the gunfire so then I ran um, well I didn’t run; I basically kind of posted up right here. And I saw um, the officers behind the bar with their muzzles pointing towards this hallway.



CB: Okay.

MF: Um, it had like a…like an electronic key pad lock on it.

CB: Okay

MF: And the door was locked so I said “hey just make sure you keep cover on that door”. So [redacted] was right here.

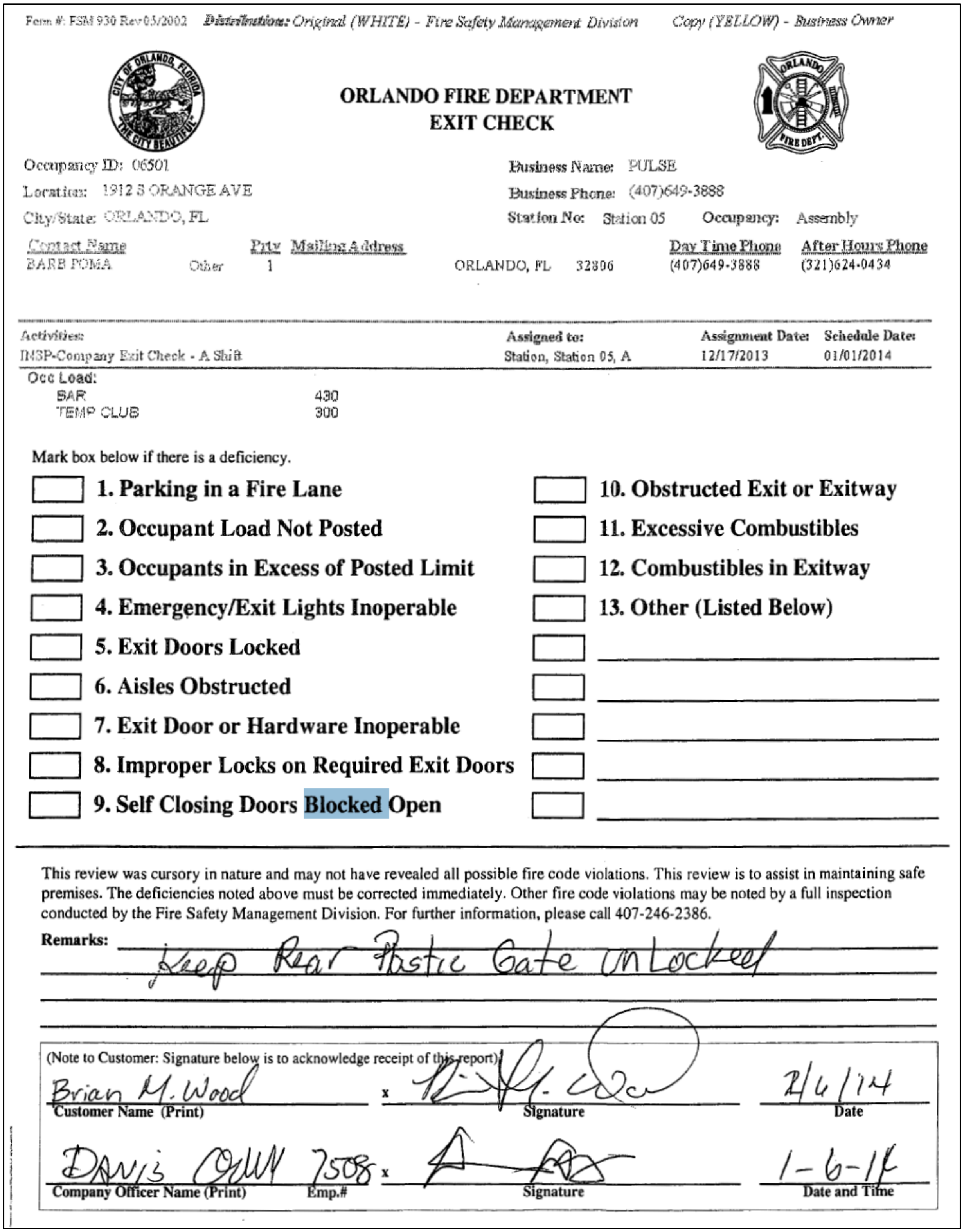
CB: You mind just putting their initials there yeah.

MF: Yeah. [redacted] was right there.

CB: And where else?

MF: Um, I was right here. Ben Chisari was right here. And I think Scott, like we were all; it was…we were like basically all shoulder to shoulder.

Blocked and locked exits at Pulse were documented by the City of Orlando in prior inspections and exit door checks showing a history of repeat violations, including the following from July 9, 2007, May 3, 2009, July 9, 2011, February 11, 2012, January 6, 2014:



Form #: FSM 930 Rev 05/2002 *Distribution: Original (WHITE) - Fire Safety Management Division* *Copy (YELLOW) - Business Owner*

ORLANDO FIRE DEPARTMENT
EXIT CHECK

Occupancy ID: 06501
Location: 1912 S ORANGE AVE
City/State: ORLANDO, FL
Business Name: PULSE
Business Phone: (407)649-3888
Station No: Station 05
Occupancy: Assembly

Contact Name		Prty	Mailing Address		Day Time Phone	After Hours Phone
BARB POMA	Other	1	ORLANDO, FL	32806	(407)649-3888	(321)624-0434

Activities:	Assigned to:	Assignment Date:	Schedule Date:
INSP-Company Exit Check - A Shift	Station, Station 05, A	12/17/2013	01/01/2014

Occ Load:

BAR	430
TEMP CLUB	300

Mark box below if there is a deficiency.

- ☐ **1. Parking in a Fire Lane**
- ☐ **2. Occupant Load Not Posted**
- ☐ **3. Occupants in Excess of Posted Limit**
- ☐ **4. Emergency/Exit Lights Inoperable**
- ☐ **5. Exit Doors Locked**
- ☐ **6. Aisles Obstructed**
- ☐ **7. Exit Door or Hardware Inoperable**
- ☐ **8. Improper Locks on Required Exit Doors**
- ☐ **9. Self Closing Doors Blocked Open**
- ☐ **10. Obstructed Exit or Exitway**
- ☐ **11. Excessive Combustibles**
- ☐ **12. Combustibles in Exitway**
- ☐ **13. Other (Listed Below)**
- ☐ ______
- ☐ ______
- ☐ ______
- ☐ ______
- ☐ ______

This review was cursory in nature and may not have revealed all possible fire code violations. This review is to assist in maintaining safe premises. The deficiencies noted above must be corrected immediately. Other fire code violations may be noted by a full inspection conducted by the Fire Safety Management Division. For further information, please call 407-246-2386.

Remarks: Keep Rear Plastic Gate UnLocked

(Note to Customer: Signature below is to acknowledge receipt of this report)

Brian M. Wood		x	2/4/14
Customer Name (Print)		**Signature**	**Date**
DAVIS OWN	7508	x	1-6-14
Company Officer Name (Print)	**Emp.#**	**Signature**	**Date and Time**

ORLANDO FIRE DEPARTMENT
EXIT CHECK

Occupancy ID: [illegible]
Location: 1912 S ORANGE AVE
City/State: ORLANDO, FL

Business Name: PULSE
Business Phone: (407)649-3888
Station No: Station 05   Occupancy: Assembly

Contact Name		Prty	Mailing Address			Day Time Phone	After Hours Phone
CHAD MILLER	Other	1	1912 S ORANGE AVE	ORLANDO, FL	32801	(407)649-3888	(407)595-1432

Activities	Assigned to:	Assignment Date:	Schedule Date:
[illegible] - Company Exit Check - A Shift	Station, Station 05, A	12/17/2011	01/01/2012

Occ Load:

BAR	430
TEMP CLUB	300

Mark box below if there is a deficiency.

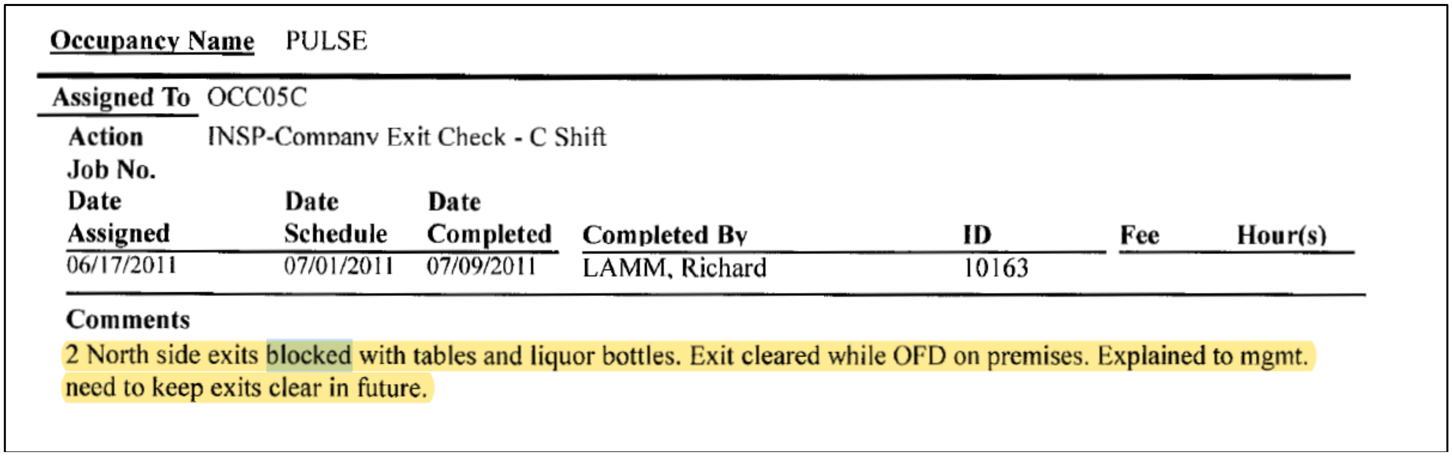
☐ 1. Parking in a Fire Lane
☐ 2. Occupant Load Not Posted
☐ 3. Occupants in Excess of Posted Limit
☐ 4. Emergency/Exit Lights Inoperable
☐ 5. Exit Doors Locked
☐ 6. Aisles Obstructed
☐ 7. Exit Door or Hardware Inoperable
☐ 8. Improper Locks on Required Exit Doors
☐ 9. Self Closing Doors Blocked Open
☐ 10. Obstructed Exit or Exitway
☐ 11. Excessive Combustibles
☐ 12. Combustibles in Exitway
☐ 13. Other (Listed Below)
☐ ______
☐ ______
☐ ______
☐ ______
☐ ______

This review was cursory in nature and may not have revealed all possible fire code violations. This review is to assist in maintaining safe premises. The deficiencies noted above must be corrected immediately. Other fire code violations may be noted by a full inspection conducted by the Fire Safety Management Division. For further information, please call 407-246-2386.

Remarks: Keep OUTSIDE GATE UNLOCKED at rear Alley --

(Note to Customer: Signature below is to acknowledge receipt of this report)

Brian M. Wood	x	2-11-12
Customer Name (Print)	**Signature**	**Date**
Ang Allen 7508	x	2-11-12



Occupancy Name PULSE

Assigned To OCC05C

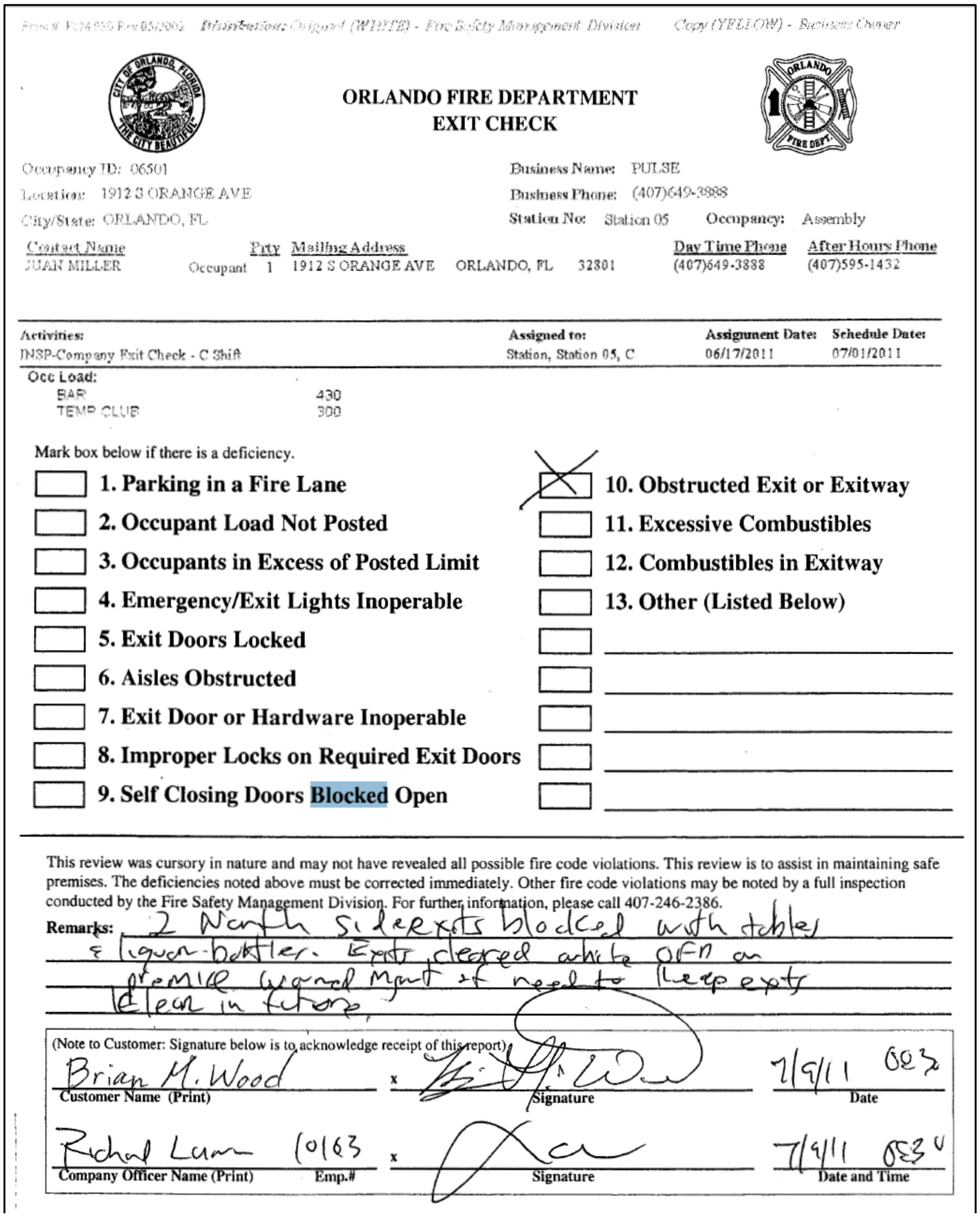
Action INSP-Company Exit Check - C Shift

Job No.

Date Assigned	Date Schedule	Date Completed	Completed By	ID	Fee	Hour(s)
06/17/2011	07/01/2011	07/09/2011	LAMM, Richard	10163		

Comments

2 North side exits blocked with tables and liquor bottles. Exit cleared while OFD on premises. Explained to mgmt. need to keep exits clear in future.



Form# F.24 950 Rev 05/2002 *Distribution: Original (WHITE) - Fire Safety Management Division* *Copy (YELLOW) - Business Owner*

ORLANDO FIRE DEPARTMENT
EXIT CHECK

Occupancy ID: 06501
Location: 1912 S ORANGE AVE
City/State: ORLANDO, FL

Business Name: PULSE
Business Phone: (407)649-3888
Station No: Station 05 Occupancy: Assembly

Contact Name		Prty	Mailing Address			Day Time Phone	After Hours Phone
JUAN MILLER	Occupant	1	1912 S ORANGE AVE	ORLANDO, FL	32801	(407)649-3888	(407)595-1432

Activities:	Assigned to:	Assignment Date:	Schedule Date:
INSP-Company Exit Check - C Shift	Station, Station 05, C	06/17/2011	07/01/2011

Occ Load:

BAR	430
TEMP CLUB	300

Mark box below if there is a deficiency.

☐ **1. Parking in a Fire Lane**
☐ **2. Occupant Load Not Posted**
☐ **3. Occupants in Excess of Posted Limit**
☐ **4. Emergency/Exit Lights Inoperable**
☐ **5. Exit Doors Locked**
☐ **6. Aisles Obstructed**
☐ **7. Exit Door or Hardware Inoperable**
☐ **8. Improper Locks on Required Exit Doors**
☐ **9. Self Closing Doors Blocked Open**
☒ **10. Obstructed Exit or Exitway**
☐ **11. Excessive Combustibles**
☐ **12. Combustibles in Exitway**
☐ **13. Other (Listed Below)**
☐ ____________
☐ ____________
☐ ____________
☐ ____________
☐ ____________

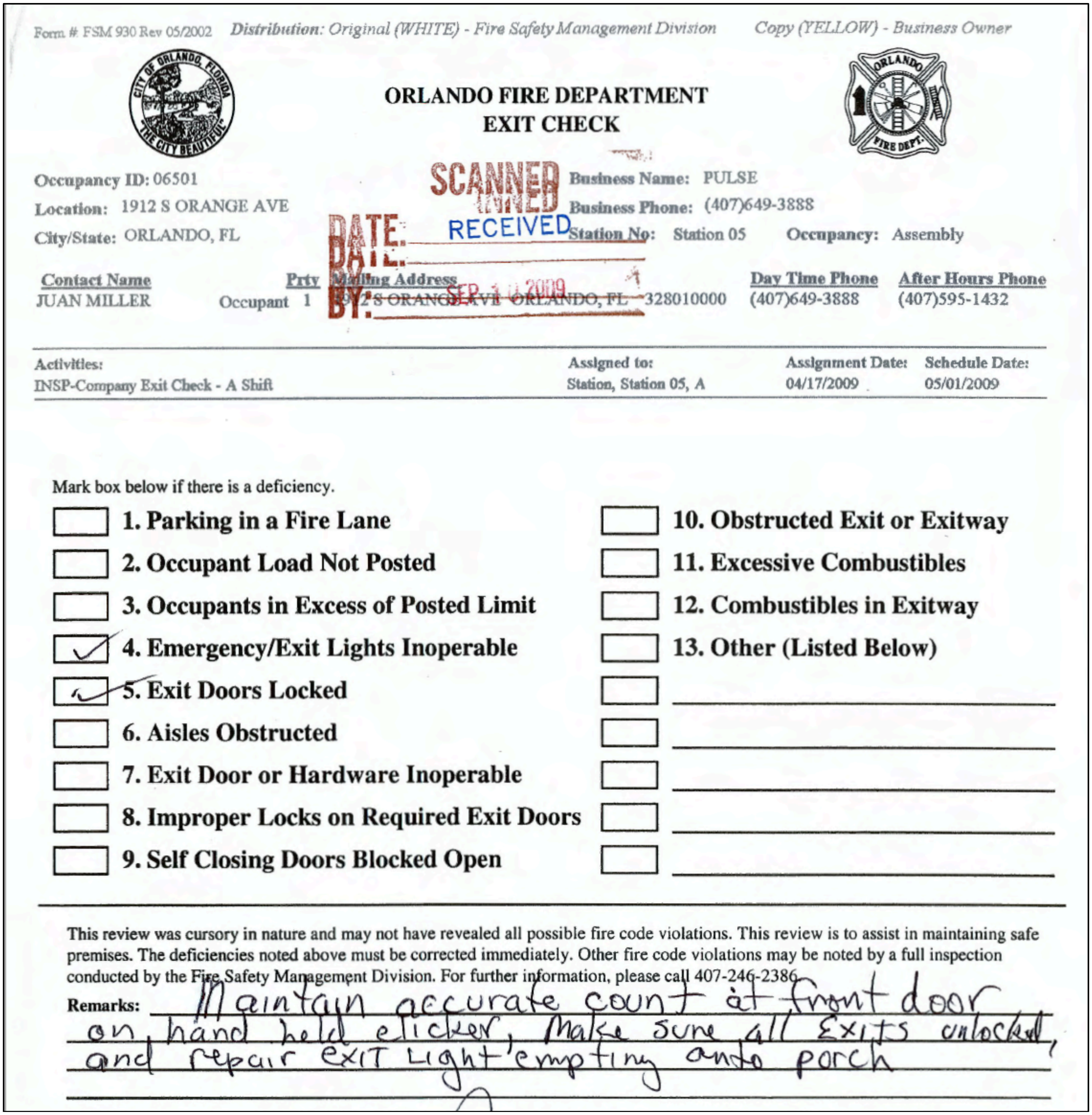
This review was cursory in nature and may not have revealed all possible fire code violations. This review is to assist in maintaining safe premises. The deficiencies noted above must be corrected immediately. Other fire code violations may be noted by a full inspection conducted by the Fire Safety Management Division. For further information, please call 407-246-2386.

Remarks: 2 North sideexits blocked with tables & liquor-bottles. Exits cleared while OFD on premise warned Mgmt of need to keep exits clean in future.

(Note to Customer: Signature below is to acknowledge receipt of this report)

Brian M. Wood x 7/9/11 083
Customer Name (Print) Signature Date

Richard Lamm 10163 x 7/9/11 083
Company Officer Name (Print) Emp.# Signature Date and Time



Form # FSM 930 Rev 05/2002 *Distribution: Original (WHITE) - Fire Safety Management Division* *Copy (YELLOW) - Business Owner*

ORLANDO FIRE DEPARTMENT
EXIT CHECK

SCANNED

DATE:

BY:

RECEIVED

SEP 1 0 2009

Occupancy ID: 06501
Location: 1912 S ORANGE AVE
City/State: ORLANDO, FL

Business Name: PULSE
Business Phone: (407)649-3888
Station No: Station 05 **Occupancy:** Assembly

Contact Name		Prty	Mailing Address	Day Time Phone	After Hours Phone
JUAN MILLER	Occupant	1	1912 S ORANGE AVE ORLANDO, FL 328010000	(407)649-3888	(407)595-1432

Activities:	Assigned to:	Assignment Date:	Schedule Date:
INSP-Company Exit Check - A Shift	Station, Station 05, A	04/17/2009	05/01/2009

Mark box below if there is a deficiency.

☐ **1. Parking in a Fire Lane**
☐ **2. Occupant Load Not Posted**
☐ **3. Occupants in Excess of Posted Limit**
☑ **4. Emergency/Exit Lights Inoperable**
☑ **5. Exit Doors Locked**
☐ **6. Aisles Obstructed**
☐ **7. Exit Door or Hardware Inoperable**
☐ **8. Improper Locks on Required Exit Doors**
☐ **9. Self Closing Doors Blocked Open**
☐ **10. Obstructed Exit or Exitway**
☐ **11. Excessive Combustibles**
☐ **12. Combustibles in Exitway**
☐ **13. Other (Listed Below)**
☐ ______
☐ ______
☐ ______
☐ ______
☐ ______

This review was cursory in nature and may not have revealed all possible fire code violations. This review is to assist in maintaining safe premises. The deficiencies noted above must be corrected immediately. Other fire code violations may be noted by a full inspection conducted by the Fire Safety Management Division. For further information, please call 407-246-2386

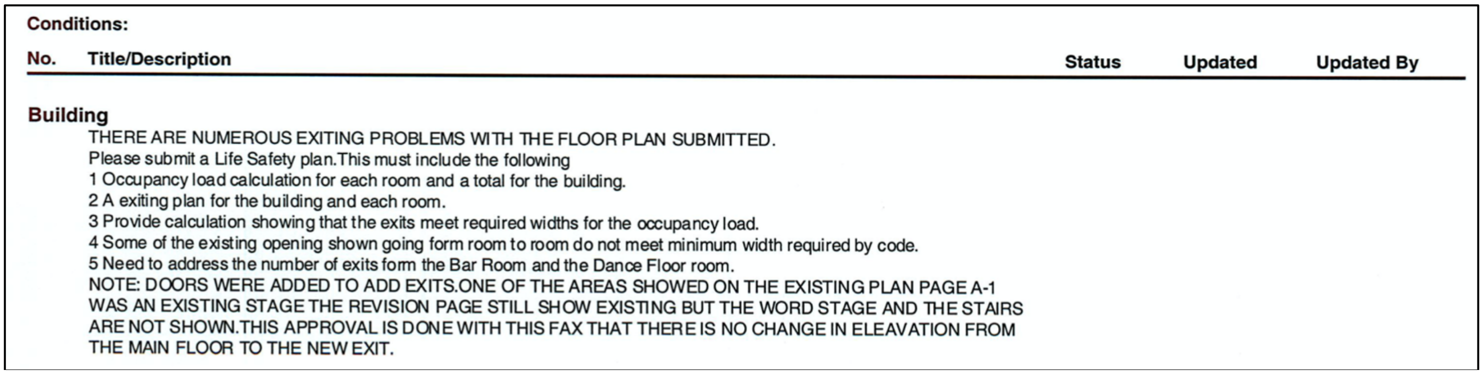
Remarks: Maintain accurate count at front door on hand held clicker, Make sure all Exits unlocked, and repair exit Light emptying anto porch

Key Takeaways

1. These documents may be useful for the current litigation regarding security negligence, as they show that owner Rosario Poma promised additional security at the request of the City of Orlando, as well as surrounding neighbors.

2. These documents also show that Pulse owners claimed to be limited by money to provide required Life Safety Features in a timely manner and that proper business protocols were not being followed. The City of Orlando also appears to have bent the rules by temporarily reducing the occupancy load so Pulse owners could avoid installing a sprinkler system (Life Safety Feature) as required by law.

3. More documents are out there and we are still in the process of collecting them, including copies of all Life Safety Plans. As noted in the excerpt below, which is from paperwork used by the Municipal Planning Board for Pulse's Conditional Use Permit (2004), Life Safety Plans are required. These should have been updated with the City of Orlando in 2010 to align with Pulse's unpermitted renovations. To date, the City of Orlando has not released any of Pulse's Life Safety Plans to the public.



Conditions:

No.	Title/Description	Status	Updated	Updated By

Building

THERE ARE NUMEROUS EXITING PROBLEMS WITH THE FLOOR PLAN SUBMITTED.
Please submit a Life Safety plan.This must include the following
1 Occupancy load calculation for each room and a total for the building.
2 A exiting plan for the building and each room.
3 Provide calculation showing that the exits meet required widths for the occupancy load.
4 Some of the existing opening shown going form room to room do not meet minimum width required by code.
5 Need to address the number of exits form the Bar Room and the Dance Floor room.
NOTE: DOORS WERE ADDED TO ADD EXITS.ONE OF THE AREAS SHOWED ON THE EXISTING PLAN PAGE A-1 WAS AN EXISTING STAGE THE REVISION PAGE STILL SHOW EXISTING BUT THE WORD STAGE AND THE STAIRS ARE NOT SHOWN.THIS APPROVAL IS DONE WITH THIS FAX THAT THERE IS NO CHANGE IN ELEAVATION FROM THE MAIN FLOOR TO THE NEW EXIT.

Conclusion

The current lawsuit against Pulse owners Barbara Poma and Rosario Poma deals with security negligence and the illegal transfer of property and not with issues concerning the unpermitted renovations and code violations.

The documents included in this report suggest that issues of premise liability may require additional legal action to hold both Pulse owners and the City of Orlando accountable. Clearly, the City of Orlando failed to efficiently monitor, regulate, and accurately inspect the Pulse nightclub, leaving unpermitted renovations unchecked and allowing the business to operate for years in violation of its approved use.

Despite the Office of the Mayor knowing of the permit and code violations at Pulse, Mayor Buddy Dyer has been an ardent supporter of Barbara Poma and the OnePULSE Foundation. Some of us believe that the alliance between city officials and Barbara Poma reflects an effort to cover up issues of negligence and liability for the sake of bringing tourism dollars, as presented by Barbara Poma at the Orange County Tourism Development Council on September 21, 2018.[35]

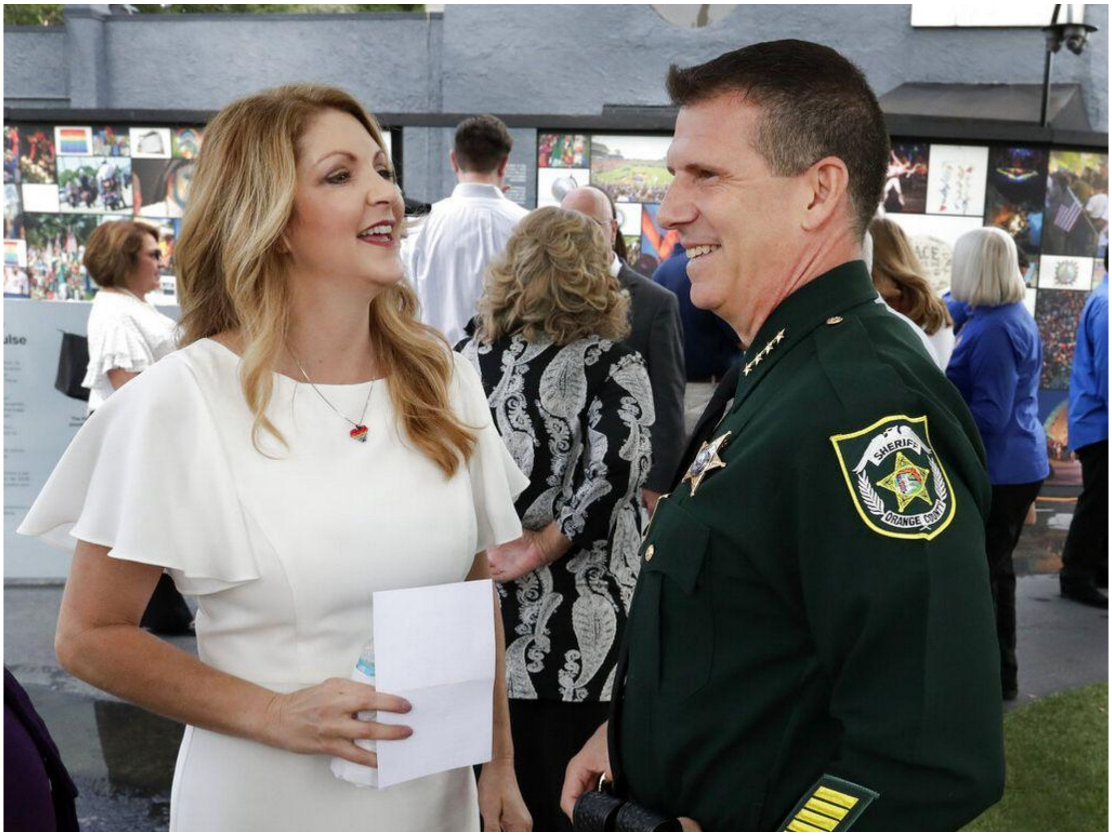


Figure 57: Photo of Barbara Poma, Pulse co-owner and CEO of the OnePULSE Foundation, laughing with Chief John Mina (OPD) on October 3, 2017 at the Pulse Interim Memorial where 49 people were murdered.

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[35] http://netapps.ocfl.net/Mod/meetings/11/586?fbclid=IwAR37ZR1ipnCaikEPFwOMYgw-UO1Bklq8i2ENjWqqR_KiZ5NK9WKr5YjFIew

Mayor Buddy Dyer and the City of Orlando should release ALL records, emails, and communications related to Pulse, the shooting, unpermitted renovations, plans availability, and all other violations.

This should include all transcripts and communications to and from the Command Center that transpired during the shooting, as well as all emails, meeting minutes, and documents related to building plans and unpermitted renovations produced before and after the mass shooting. This should also include all photographic evidence and prior photographic documentation of Pulse before the shooting. There are many more relevant records that the City of Orlando has not released to the public.

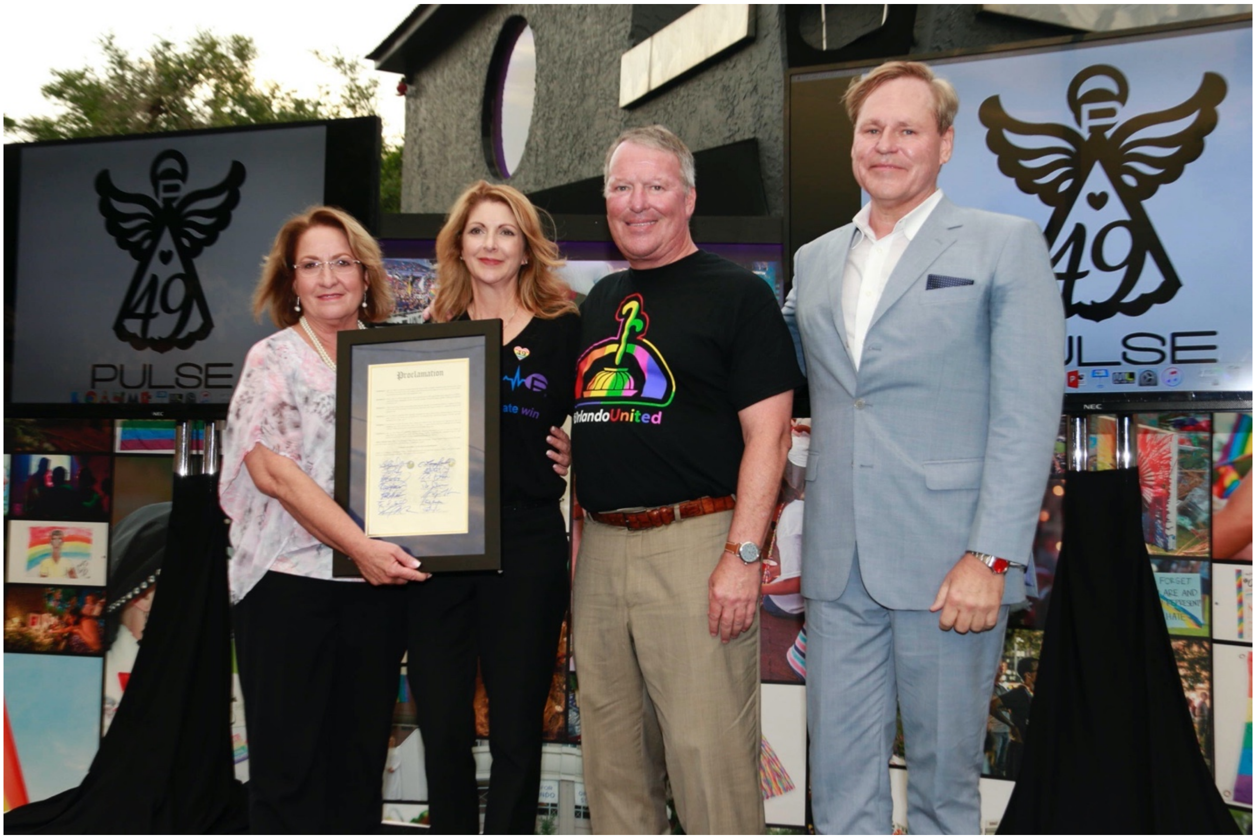

Figure 58: Photo shows (from left to right) former Orange County Mayor Teresa Jacobs, Pulse co-owner and OnePULSE Foundation CEO Barbara Poma, City of Orlando Mayor Buddy Dyer, and OnePULSE Foundation Board Chairman and eminent domain lawyer Earl Crittenden who also serves as volunteer appointee of Mayor Dyer as the City of Orlando's Chief Protocol Officer.

We are still in the process of requesting these records and have been able to pay for public records requests through the support of generous donors who want to see justice for Pulse shooting victims. We humbly ask the public to put pressure on city officials to release all documents and directly address the issues that the we have brought to light.

If you seek additional information, would like access to any of the original documents included in this report, or are reporters who would like to speak to witnesses/survivors, please contact the Community Coalition Against a Pulse Museum (CCAPM) at nopulsemuseum@gmail.com. You can also visit our website at nopulsemuseum.info.

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ABOUT THE CCAPM

The CCAPM is a group of Pulse survivors, family members, activists, and scholars who joined forces to oppose the OnePULSE Foundation and its privatized museum-memorial complex in the summer of 2019. At our core, we believe that no one should make money off of a mass shooting and that sites of mass shootings should not be made into tourist attractions or “non-profit” entrepreneurial endeavors. For more information about CCAPM, visit http://www.nopulsemuseum.info.

Appendix I: FDLE Internal Affairs Use of Force Investigation (2016)

Internal Review: IR-16-46

Interviews with Law Enforcement (PULSE Responders)

Case Agent: Special Agent Alphonso Williams

Obtained on October 24, 2019, through Public Records Request #19-7827. Prior, the City did not release this document to the public. Knowledge of report's existence was through reporting published by the *Orlando Sentinel*.

See, "Pulse shooting investigation: Orlando officers who fired during massacre cleared by internal probe" by Tess Sheets, *Orlando Sentinel*, October 17, 2019. https://www.orlandosentinel.com/2019/10/17/pulse-shooting-investigation-orlando-officers-who-fired-during-massacre-cleared-by-internal-probe/.

ATTACHMENTS

FOR IR #16-46

1. RM 200-8, Obedience to Laws and Department Procedures, (A) Obedience to Laws, (B) Obedience to Policies and Procedures and Other Written Directives, RM 800-5, Deadly Force.
2. Pre-Administrative Warnings – Officer Adam Gruler, Sergeant [redacted], Lieutenant Scott Smith, Lieutenant Jonathan Bigelow, Sergeant [redacted], Officer Raul Rivas, Officer Andrew Bishop, Officer [redacted], Officer Timothy Stanley, Officer Michael Napolitano, Officer Ricardo Duenas
3. Florida Department of Law Enforcement Investigative Summary – Special Agent Alphonso Williams
    - 1 flash drive containing complete FDLE investigation
    - 1 flash drive containing pole camera video
4. State Attorney Aramis D. Ayala Clearance Letters
5. FDLE Interview – OPD Officer Adam Gruler
6. FDLE Interview – OPD Lieutenant Scott Smith
7. FDLE Interview – OPD Sergeant [redacted]
8. FDLE Interview – OPD Detective Raul Rivas
9. FDLE Interview – OPD Agent [redacted]
10. FDLE Interview – OPD Officer Timothy Stanley
11. FDLE Interview – OPD Lieutenant Jonathan Bigelow
12. FDLE Interview – OPD Officer Ricardo Duenas
13. FDLE Interview – OPD Officer Andrew Bishop
14. FDLE Interview – OPD Officer Michael Napolitano
15. FDLE Interview – OPD Sergeant [redacted]
16. FDLE Interview – OCSO Sergeant Fred Westerberg
17. FDLE Interview – OPD Officer Elio "Manny" Florin
18. FDLE Interview – OPD Officer Ben Chisari

19. **FDLE Interview – OPD Agent [redacted]**
20. **FDLE Interview – OCSO Deputy Matthew W. Futch**
21. **FDLE Interview – OCSO Deputy Gerald Cavis**
22. **1 CD containing Pulse Press Conference by Attorney Deborah Barra Video**
23. **Letter from FBI Tampa ASAC Ronald J. Hopper**
24. **OPD Interview – OPD Officer Adam Gruler**
    - **Administrative Waiver**
25. **OPD Interview – OPD Lieutenant Scott Smith**
    - **Administrative Waiver**
26. **OPD Interview – OPD Sergeant [redacted]**
    - **Administrative Waiver**
27. **OPD Interview – OPD Detective Raul Rivas**
    - **Administrative Waiver**
28. **OPD Interview – OPD Agent [redacted]**
    - **Administrative Waiver**
29. **OPD Interview – OPD Officer Timothy Stanley**
    - **Administrative Waiver**
30. **OPD Interview – OPD Lieutenant Jonathan Bigelow**
    - **Administrative Waiver**
31. **OPD Interview – OPD Officer Ricardo Duenas**
    - **Administrative Waiver**

A. **OPD Interview – OPD Officer Andrew Bishop**
    - **Administrative Waiver**

B. **OPD Interview – OPD Officer Michael Napolitano**

C. **OPD Interview – OPD Sergeant [redacted]**
    - **Administrative Waiver**

D. **Discipline Histories & Commonly used terms**

E. **OPD Interview – OPD Adam Gruler**

INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**Detective Adam Gruler**
STATEMENT TAKEN BY:	**FDLE Special Agent Alphonso Williams**
LOCATION TAKEN AT:	**OPH-Internal Affairs**
DATE:	**June 17, 2016**
RE:	**IR16-46**
ALSO PRESENT:	**FDLE Special Agent Craig Beers** **FBI Special Kevin Farrington** **Attorney Jason Bankowitz**
STATEMENT BEGINNING TIME:	**0939 Hours**

AW: We're on tape. Special Agent Alphonso Williams of the Florida Department of Law Enforcement. Today's date is June 17, 2016. Time is approximately 0939 in the morning. I am at FDLE Orlando Regional Operations Center, 500 West Robinson Street, City of Orlando. This is in reference to FDLE case number OR-27-0258, which is a police use of force investigation that began on June 12, 2016 at the Pulse Nightclub. That's 1912 South Orange Avenue, Orlando. And I'm conducting an interview with Detective Adam Gruler?

AG: Correct.

AW: Of the Orlando Police Department. Conductng the interview with me is FDLE Special Agent Craig Beers and FBI Special Agent Kevin Farrington. Also present in the room is Jason Bankowitz, Detective Gruler's attorney. Detective Gruler for the record I would like to clarify that this is a voluntary statement being given by you as part of the criminal investigation into the shooting incident and that you are not being compelled in any way to provide this statement. At any time you are free to terminate these proceedings and leave, do you understand?

AG: I do.

AW: Okay. With that said do you understand that this voluntary statement is being taken as part of the criminal investigation and that it is not Internal Affairs administrative statement?

AG: Correct.

AW: Okay. At this time could you raise your right hand? Do you swear the testimony you are about to provide is the truth, the whole truth and nothing but the truth so help you God?

AG: I do.

AW: Okay. Just prior to this interview have you reviewed any video or recording of this incident?

AG: I have not, no.

AW: Okay. Would you please state your full name?

AG: Detective Adam T. Gruler, G-r-u-l-e-r.

AW: Alright and your currently employed by the Orlando Police Department correct?

AG: That is correct.

AW: And how long have you been employed with OPD?

AG: Uh, just shy of 15 years.

AW: Uh, and on the date of the incident were you performing your duties as a police officer?

AG: I was, yes.

AW: And what did your duties consist of?

AG: I was working extra duty at the Pulse Nightclub, located at 1912 South Orange Avenue, which is within the City of Orlando uh, limits. And I've been working that club for approximately a year and a half to two years now.

AW: Okay. And what time did your shift start?

AG: Uh, the typical shift is from 11:30 p.m. to 3:30 a.m. Um, that evening I believe I arrived around 11:40 since I went and grabbed a cup of coffee before my arrival.

AW: Okay. Uh, what uniform were you wearing at the time?

AG: Uh, at the time I was wearing sort of a.... modified uniform just for comfort. I'm a motor officer and I had left a motor's detail which is um, motorcycle boots, motor riding britches and a white Polo shirt. The boots, after several hours, will hurt your feet. So I had changed to my...my boots into regular uh, tactical boots and 511 pants. So it wasn't a traditional uniform but it was still a full uniform that we have uh, utilized in the past.

AW: Okay. Were you in your uh, police vehicle?

AG: I operate an unmarked vehicle which is a Dodge Journey. It does not have any insignia, it does have lights and sirens behind tinted windows.

AW: Okay and what color is the vehicle?

AG: Uh, like a dark gray.

AW: Were you easily identifiable as a police officer?

AG: Yes.

AW: What weapon were you carrying?

AG: My duty issued Sig Sauer 9mm.

AW: How many types of magazines were you carrying?

AG: Uh, standard issue, three uh, magazines. One in the firearm and two on the belt.

AW: What is the maximum rounds of your magazines?

AG: Uh, 15 each, plus one uh, round for the chamber of the firearm.

AW: Okay at this point what I'm going to do is I'm going to turn it over to you and tell me how you became involved in this incident.

AG: So that evening again I arrived about 11:40. I had stopped down at the WaWa for a cup of coffee prior to the shift starting. Uh, signed 10-8 or on duty with the Comm Center via the radio. Um, as the Oscar number, Oscar 753 um, with an ending time of approximately 0330 in the morning.

Um, parked my car on the south side of the building which is parallel to Esther Street. E-s-t-h-e-r on the sidewalk. That is where I've always parked my vehicle. That's where all the other off duty officers that work the club have always parked their vehicles. Um, that's positioned right in front of the main door to the club and also has a view of the double doors uh, coming out of the southside of the building.

Um, within about 15, 20 minutes of being there a security officer notified me that there was a patron that had passed out on the sidewalk and he was concerned for him. I went over there um, ended up determining that he needed to be transported to the hospital. We notified OFD. Um, he was transported. The frirned that was with him was taken away by another friend who was sober um, and resolved that. Um, a little while after that, probably the one'ish hour, um, Ajai (sp) one of the managers came to me and said that she had been informed by the club promoter that a 17 year old was potentially inside the club and had entered under a ID of somebody else. We entered the club, she identified the individual to me, um, we went…we entered through the main door, went through the main dance floor out to the patio where I made contact with him. Asked him to come outside and speak with me. While we were standing at the main door outside…I asked him for his identification. He said he didn't have any, his friend had it. But I could see he had a wallet in his pocket. A bulge indicate…a large bulge like a typical wallet. As I went to take hold of his right arm to detain him um, he took off running. It's a 17 year old. I didn't see him drinking. I looked at him, said "alright dude have a good night". Um, he ran across the street to the Dunkin Donuts, he stopped and was yelling whatever he was yelling, "you're not going to touch me, you're not going to do nothing to me" whatever. And so I started to walk towards him um, and he took off running across Orange Avenue and into the neighborhood. Um, at that point

I called onto to the Orlando police radio requesting for a backup unit to just do an area check with the neighborhood for the 17 year old that I had some misdemeanor charges of resisting an officer without violence. And that if they found him I would make the...make the arrest.

Um, spoke with the club managers Ajai and Brian along with the promoter, who I don't know his name, um, and was provided with the 17 year old's name. Appartnely he is a known person that they...they know somehow. So I pulled him up on my DAVID on the computer. They said "Yep that's him" and I said "alright let me go and I'll...I'll just go drive the neighborhood see if I can find him". So I left property. I was off property I believe about 20 minutes. Um, never identified...or never located the juvenile. Uh, came back on the property, parked my vehicle again where um, I always park. Um, and at that point it was just before 2:00. Um,usually at 2:00 a.m. I will move from standing in the area of my car over towards the valet, who are standing at their podium in the middle of the uh, the driveway to kind of keep the flow of things going. People like to come out and hang out and they'll back up the valet folks from doing their job.

Um, so I was standing at the front of my car um, when I heard gunshots coming from within the building. Instantously knew exactly what it was. There was no question as to, it wasn't the music, the DJ's do play gunshots in their music and it drives me nuts. I absolutely hate that soundtrack. Um, but it was not gunshot mix in. I instantously knew that it was a...a live shooter inside the club.

Um, there is...was a vehicle that was parked in the parking lot facing south at an angle uh, just away from the main doors. Uh, took cover behind that. Um, called out "shots fired, shots fired, shots fired" on the radio. Um, drew my service weapon uh, was pointing it at the club. Um, based on my count I identified the...the first series of shots coming from the west side of the building. The building's broken up into essesstially three...three bars. Uh, there's the west bar, the main dance floor and the patio bar. Um, as I'm looking at the main doors, I see the main doors open There's a....um, Hispanic female who is banging on the door. The main door is a big steel door with a plexiglass insert. Um, when that door slams shut it's very loud and it can sound like that of a small caliber gunshot. Um, and she's banging. So at that moment I thought I'm going to...I going to just yell at this girl because I just called "shots fired" and it's her banging on the door. Um, but she stopped and the shooting continued.

So I knew it was not her. Um, what seemed like forever went by uh but at one point just masses of people started flowing out of the building from every crevice they could. The...the main doors, the side patio gate, um, the double doors on the south side. Um, the shooting continued. There was the first series, when the first shots went off I thought it was a handgun. But then as the shooting of the first series continued I knew it became a long gun because of the number of rounds that was expended. The uh, there was...there was a pause and then another, what I called volley. Another series of...of rounds. Um, victims started coming out, bleeding. Um, there was somebody, I don't know if male or female but they were wearing white and you could just see red on them.

At that point I'm still taking cover uh, by the vehicle that's parked in the parking lot away from my patrol vehicle, or my unmarked vehicle. But thtat was only about, my vehicle was about 10, 15 feet away. Started yelling at everybody "run, run, run, go, go, go". Um, it was an active shooter, I identified it as a long gun. I was outpowered. I had a handgun, he had a long gun. Um, it was me, our training is not to engage solo when we're out powered. We train, for an active shooter, to advance towards an active shooter with a team. Um, so I was waiting for additional units to show up. Um, I remember speaking on the radio uh, "He's still shooting, he's still shooting" um, I think I you know, said "get me people here now" or something. It seemed like forever that I was by myself. Uh, at one point I see two individuals, I believe they were males coming out of the south double doors and then drop right there. Um, and then I began to see the barrel of a…of a gun come out. Um, and then some portion of a body, a shoulder, an elbow um, emerge directly behind that…and there were gunshots from that long gun at those two victims that dropped.

Um, at that point I identified that as a shooter. Um, fearful for my life and the lives of others um, and the shooting continued, I discharged my firearm anywhere from two to six times on the first engagement. I don't…I don't know my round count. Um, impacting the right double door, which is where the shooter was coming from. Um, that caused…that caused him to retreat in. I repositioned towards the west of where I initially was uh, to another vehicle that was parked along uh, the dumpsters, there's a fence there. Uh, there was a vehicle parked there which is the VIP parking area. That gave me a view inside the…the club, the right double door was all the way open. The left douoble door was about halfway open um, being blocked by one of the bodies. Saw the shooter casually just walk through the west bar towards the north end of the building um, shooting rounds into bodies as he just stepped over them. Bam, bam, bam, bam…nobody was running at this point, there was just bodies on the ground.

Um, I didn't have a shot at that point. I don't…or actually I don't even know if I engaged at…at that point. I…my only focus was watching the…the shooter putting rounds in the bodies that were down. Um, and he started to proceed to the east and there's a door, a glass door, um, that goes between the west bar and the main dance floor area. At some point I turned, I saw an OPD officer had arrived. Um, I don't even know who he is. I repositioned over to the east side of the business knowing that there was a back alleyway on the north that leads to the patio. Um, and uh, another doorway that goes from the main floor to the patio. As I repositioned um, the patio gate was open. The door going from the main dance floor to the patio was open and I saw him cross from the left to the right, so from the south side of the main dance floor to the north side of the main dance floor. Um, again gun was down, um, anywhere from 45 down vertical um, still shooting into bodies that were down. At that point I didn't see anybody, other than him, standing.

Um, I was standing in the parking lot um, somewhere near the sidewalk to the middle portion of the parking lot looking straight the opening of the patio door, the door going into the club. Um, and I knew I had a…I had a shot. He…the active shooter, he's continuing. At that point I fired two more times before he was out of my view. Um, again um, firing at him for a…for fear of loss of additional life that…that was occurring. There was a momentary pause for me at somewhere in that moment or time frame. I thought about my family, my wife and my children and made the conscious decision, "I will not die tonight".

A patrol officer was on the Orange Avenue side, several patrol…at that point, I could…I guess hundreds of officers had shown up. Um, but a female patrol officer who was there, had taken cover behind the front of her vehicle, some additional officers were along side her. Um, I know on the radio at one point, one of the lieutenants I don't know who, was saying "If it's an active shooter, get a team and engage". Um and at that point we did have a team. Um, I looked at the female officer, I said "Long gun up front, we're going up to that fenceline, we're going in through that…that…that patio gate". Um, I have been told that I gave a briefing to this officer. I don't know what I said. I've been told that uh, I gave a description. What kind of long gun he had or what type of firearm he had and where he was and what he was doing. I don't recall any of that. Um, I recall that he was…I estimated him, when I first saw him to be about 6'1" either a light skinned black male or Hispanic male. Um, I don't recall anything of facial…I never saw a face. It was always either facing away from me or side view. Um, I don't recall any shirt…but I believed that he may have been wearing khaki shorts but I don't know.

Um, we put a team together, we advanced up onto the fence. I know Sergeant Ira Morris arrived with a shield. So we called him up to the front. Um, and just prior to making entry into the patio the shooting stopped for an extended period. At this point there had been mutlitple volleys…multiple pauses. Uh, "bang, bang, bang, bang, bang…pause, bang, bang, bang, bang pause". Um, and I knew he was reloading. The pauses were enough time for a reload. Uh, but there was an extended pause at this point. Um, so now that caused us to pause and determine, try to make the decision did we still have an active shooter. Uh, was he down, did I…did I down him. Um, or was he contained, what…how was this…how has this situation changing for us and our reaction at this moment. Um, then the shooting started again. Uh, and at some point and I don't remember how or why or where, I…left from that team and Lieutenant Scott Smith had arrived with an assault rifle um, and was advancing on the main door. Um, and somehow I ended up, not directly with him, but in the area of his team advancing on the main door. Um, there was a female that was down on the parking lot, uh, right in the center of the road. Um, who had been shot multiple times. And officer or two was trying to get her extracated. Um, I holstered at that moment uh, and helped get her into a truck. And they just left. At some point, I don't know how or who but the main window was shattered out. Um, and then entry was made in through the main window. Uh, I joined the group going in. Um, and at some point, and I don't know who made this determination or how it came about that he was contained in a bathroom on the west end of the bar.

The main dance floor had about, I estimated 25 plus bodies um, just scattered everywhere. Three of them were literally laying on top of each other on a stage. Um, they…we started securing different portions of the club. Um, and then brought in additional officers to uh, remove victims. Uh, at one point a…a group of a dozen or so uh, alive and walking victims were sent out from somewhere in the main portion of the building towards me. And I just directed them through the open window. They…they had no idea where to go. Um, 911 was on the phone with several people who said they were trapped inside of the offices upstairs. Um, I'm familiar with the layout of the building, so I was talking with the communciaonts on the radio asking where they were. Um, and then I was directing, giving information to Lituenant Smith uh, there's an office upstairs, it's accessed via this ladder behind the bar is a door. We can see it from the main dance floor behind the DJ booth. Um, he was asking about uh, an upstairs area behind us on the south side of the building and uh, we were positioning officers to cover. Um, communicated with the radio to have the individuals in that room come out,put their hands up, slowly, listen to our commands. Um, some other officers took over. Uh, when they made cointact with them, had them come down and then they were extracated. Um and then at one point Lieutenant Smith took hold me and said "Okay you're done". And I was removed from the scene and brought to the intersection of Kaley and Orange where I was asked to give as much information as I could. And then I was removed from the scene altogether.

AW: Okay. So that concluded your involvement with this incident?

AG: Correct.

AW: Okay. What I'm going to do now, I know you gave various locations and positions so I have Some diagrams I was able to get from Google maps and a layout, a sketch of the interior of the n nightclub. (inaudible).

KB: Let's use this one and show where you parked around the bulidling and that might be your best bet.

AW: Okay.

KB: Cause then he can mark it up and...

AW: (inaudible) a sketch.

KB: This is actually a layout of Pulse Nightclub floor plan.

AW: Does this look familiar to you?

AG: It does. Um...

AW: Okay uh, what I'm going to do is have you to mark where you initially parked your vehicle and then prior to the club closing you moved your vehicle to a different location?

AG: No I...my vehicle is always parked in the same place.

AW: Okay.

AG: Um, when I...I reposition myself like where I stand.

AW: Okay.

AG: Normally I stand right by my vehicle.

AW: Okay.

AG: During...during the course of a night. Um, sit down in my vehicle, drink my coffee. Walk around. Um, you know, there's a....a...we've had a burglary or two down Esther Street. So I'll just look down Esther Street or walk down...some...to just you know, kind of make the night go by. But my vehicle always stayed where it's at. Um, so looking at the Google Earth street view image of the south side of the building....um, it runs alongside Esther Street. My vehicle is always positioned right here on top of the...the sidewalk. There's a tree. Um, and then a um, some sort of street sign there. Um, so that's where I parked upon my arrival for my shift and then when I returned from looking for that juvenile, again parked my vehicle there.

AW: Okay and at the point where um, you relocated towards the end of the...when the club was getting ready to close where did you, where were you positioned?

AG: The car or myself?

AW: Yourself.

AG: So typically I would reposition to this area where the valet would be. Um, but…and I hadn't yet. I was…I was getting ready to. But I was just standing out front of my vehicle. Um, because it…it's…about…it's not like oh 2:00 I'm walking right over here immediately. You know, sometimes at 2:00 we'll get a rush. There's no more alcohol sales so everybody wants to leave or 2:10 everybody's closed out their tabs, then we get a rush. So it's kind of just based upon how many people are lingering. I…I try not to force anything…if…if there's two or three or four people just hanging out there's no reason for me to…to…to be an asshole and tell them 'You have to go". They're…they're just hanging out, talking to their friends, saying goodbye or asking where they're going to meet next or whatever. It's meant…it's when the main crowd of a couple of hundred come out that "Okay guys we're done for the night, have a good night" you know and I try to keep the…the driveway open for the valet so they can get their cars through.

Um, so at this point I was still, just prior to the first gunshot, at the front of my vehicle on the sidewalk.

AW: Okay. Let me get you to put a number one and put your initials underneath that. Okay so you was approximately within this area when you heard the first gunshots?

AG: Correct.

AW: Okay so when you heard the first gunshots where did you move to or…

AG: So at that point I repositioned to a vehicle that was parked, I don't know if it was the first stall or the second stall but in this general area. I'll put a two there. Um, behind a vehicle. That gave me a view essesntially of two sides of the building. The main doors, this…double doors and the patio exit. Um, you can't see the exist door but you can see the…the corner of the fenceline.

AW: Okay. And what side of the club are you on now at this point?

AG: The south side.

AW: South side okay. You can keep going.

AG: Um…

AW: I'm just tracking your movement now.

AG: At that…I…I stayed there um, during the…the first couple of volleys of gunshots. That's um, where I called, as I moved from the front of my car, from one to two um, I…I called the shots fired. Um, I believe there was a point in time where I may have come into the parking lot. I don't…I don't specifically remember um, I know that…there was soimebody that was just standing there. Like on his cell phone. It…it amazed me that somebody just was standing there. So I think I…I think I came out from the car and grabbed them, yelled at…I don't know. I don't recall that. But as I'm at the where I've marked as two, I again can see the…the main door, the double doors. That's when I see the girl that was banging on the main door. And I kind of got upset thinking I…I just called the cavalry for nothing and everybody's going to be pissed at me because of this girl is banging on the door. Um, but again that quickly stopped and it was within seconds. Um, and then the shooting continued. Time table wise I don't know um, again it feels like forever. Um, but probably after the, somewhere between the second and fourth volley I saw two victims come out and fall in the area of the double doors. I was still positioned behind the car where I marked two. And then I saw the…the right double door open and the…the barrel of a long gun come out and these two victims take additional rounds.

That's when I feared that the gunman was going to continue out the door and engage me. Um, if he did I don't know. I don't know if I ever took rounds from him or not. Um, and I feared for the safety and lives of these two people that were down that were being shot. Um, and the safety and lives of people that I knew were still in the club cause they were…were not a couple of hundred people that were running. So I engaged. Um, that caused him to retreat. From where I've marked number two I repositioned to an area along this fence line where I'll mark number three. There was a vehicle that was parked in this area. Uh, I took cover from there and was able to see straight into the club via the open double doors. Again the right one was all the way open, the left one was partially open. Watched him shoot more bodies and transition to the north and then to the east. At that point or at some point during this portion, an OPD officer arrived. Um, I don't know if I told him anything or said anything. But I repositioned, I moved from where I have marked number three through the south side of the parking lot. To a general area of what I'll mark as four.

Um, this white sign is the gate going into the patio. This is a PVC fence directly in line with that is a door into the main um, portion of the building. Um, I think I was somewhere near the edge of the pavement but I don't know exactly where in this general area, looking throught those double…through those open doors, excuse me when I saw the shooter come from the south to the north through the…what I call the window of my view. But the…but through the doorway. Um, he was probably about mid dance…well not mid dance floor, he was proablaby about midway of the bar. Um, going to the…the diagram of the building, here's the door, leading from the building to the bar, to the patio, and then this is a door that leads from the patio out to the parking lot. He was somewhere in this area walking this way. There's a stage…

AW: (inaudible)

AG: Um, again a very short window. Um, probably at the outer range of my handgun um, for um, I'm sorry…probably at the outer range of my handgun for…for being able to take him down. Um, but at that point again I watched him just putting rounds into bodies. There was nobody else standing it was just him. Um, I knew the club wasn't clear. I knew…I knew there were people in there. Um, and so I engaged again fearing for…for the lives of anybody that was contained inside of the building. Got two rounds off from the very quick view that I had of him.

AW: And you was at this area?

AG: I was…so this is the patio. And then there is the parking lot. And then this is Orange Avenue. I was somewhere in this area. Um, I odn't know if I was on the sidewalk, in the bushes, or in the road…or on the parking lot but I believe I was in the area of the parking lot.

AW: So that's still at four somewhere?

AG: Correct.

AW: We'll put four there for you as well. Okay.

AG: Um, that's after I engaged the second time um, that's when there was a pause. Um, or…I'm sorry, before the…before the pause that's when uh, I spoke with the female officer and…and we start to put a team together and told her that she was you know long gun up front. Um, she was…she was hunkered down behind…behind a car and rightfully so, I…I don't want to speak for her but she…she looked scared. I…I know I was. Um, and when I said long gun up front, she…she almost had this look of and I'm not laughing of "fuck you I'm not going up front". And I do know I said "do I need to take that…that gun from you". Because I was advancing. We were going with or without you. Um, and by no means am I going to speak for her at all. I don't know what her mental state was. What her thought process was at all. Um, I know at one point she…she…she got into the fight.

Um, her and a couple of the other officers, um, advanced up to the…the uh, uh, the fence, oh I'm sorry, no that's the building. Her and a couple other officers advanced up to the fence line of the patio. Just uh, shy of the open gate um, and then um, I believe they came around a back side of a patrol car and I came around the front side of the patrol car to start to join them. Segeant Ira Morris came up from somewhere to the north with a shield. Um, and then just as we were putting a team in place, uh, the…there was an extended pause of gunfire. Um, so at that point I didn't know if…if my engagement had put him down at all um, or if he was setting up an ambush and waiting for us to make entry. Um, and so…so we…we had a momentary pause and I want to think the momentary pause lasted more than a couple of seconds before we…we…we didn't make…I didn't make entry through this gate. Um, but that momentary pause allowed me to see Sergeant…or Lieutenant Smith come up from the east side advancing towards the main door. Um, and then the gunfire started again. And then for whatever reason, I don't…I don't know, I don't know if it was I felt more comfortable or…or why but I felt that there was enough officers here for a team. And there was Lieutenant Smith and I believe another officer and I…I went to join that group. Um, so I left from that area back towards the south side where Lieutenant Smith was.

Um, there was a victim somewhere in this general area. At some point I don't…I don't know when I helped get her into a truck. Somebody pulled up a truck here. Uh, Lieutenant Smith approached the large window that has a waterfall that goes into what's…I later found out it was the reception area. Somehow somebody some…I don't know if it was a gunshot or a…a ram…I don't…somehow the window the broken out. Um, and then entry was made. Um, I made entry, I don't know left or right, these are just…they're not doors, they're just openings that have uh, these like metal bead curtains that hang down. I made entry at some point I came into the main dance floor area, stayed in the VIP lounge area, stage area. Um, three bodies on the stage. Multiple bodies all throughout. Um, a male victim had taken a gunshot wound to the head. Um, and was laying just almost center of the…of the floor with his head just…just butterflied open. Um, it was…it was just chaos. As organized and controlled cast as it possibly could be, uh, things started getting secured. Uh, at some point it was determined that the suspect had entered into um, the bathroom area. Um, there's two entrances and I wasn't sure which one he had gone in to. Um, Lieutenant Smith I know was in the west bar area. Uh, we called in additional officers um, to start bringing out victims. We...quickly assessed who was standing in my immediate area, no they're dead, they're dead, they're dead. Um, and just trying to find anybody that was alive or...or potentially alive.

Um, at some point, excuse me, I was over here. Uh, this is a...just an opening going from the reception area and main bar area into the west bar. Um, I know Lieutenant Smith was behind the bar with Sergeant Backhaus, both SWAT team members were behind the bar.

AW: Can I just get you to put...Smith and Backhaus.

AG: Um, I remember Sergeant Backhaus yelling at somebody that was down behind the bar, a victim. Um, and I think he said he couldn't move and so he...he said just stay down. Um, a couple of officers were here. I don't know who they were. Um, and I was kind of just stacked up behind them and we were covering the...the...we were more focused on the, what's identified as the men's bathroom door. Uh, because that was what we had a view of the best. We could see the other door where I've come to know that the suspect went into. Um, but...uh, Sergeant Backhaus and Lieutenant Smith had that covered.

Um, at some point, uh, I came away from here. It...we were...the officers stacked upon officers and I had a handgun and so we...we put rifles uh, in through this opening to...to cover. Uh, transitioned back out into the main bar area. Um, and at some point Lieutenant Smith, I don't know where he came from but he came...he came out of the west bar area and...and came into the main dance floor bar area with me. Um, I was on with the radio. Um, above where it says liquor storage and kitchenette, there is a ladder that goes up from the kitchen to a second floor. That second floor houses a DJ that overlooks the main stage and then a small office. Um, that's where I was communicating with our dispatch that there were...they were on with the...on...on the 911 with victims inside there. And uh, was briefing Lieutenant Smith of what's up there. You know, we got...there's...this is how...this is how we either have to access it or they have to access it. There's only a ladder, there's no stairs to that one. Um, we extracated them. Um, I know there were officers doing their jobs over here off of the patio and the main dance floor extracating whoever they located. Once the uh, victims and the...the uh, office were extracated at some point Lieuteuant Smith grabbed me and said "alrigh we're out". Um and I was removed.

AW: Okay. When you first saw the suspect did you hear him say anything?

AG No.

AW: Throughout, throughout thjis encounter, you never heard the suspect say anything?

AG: No.

AW: Did the suspect see when you fired rounds at him?

AG: I don't know. Uh, they...I know it caused him to go back inside. He did not continue to advance out.

AW: Okay and what weapoin did you see? Were you able to identify a make and model?

AG: No.

AW: Or what caliber weapon?

AG: No I just saw the...the uh, long thin barrel of a long gun. Um, I didn't know um, without...at this point I know it was an AR only because of news coverage. But I didn't know at the time that it was an AR.

AW: Okay and you said throughout you heard several volleys?

AG: Correct um, the uh, pitch of the gunshots was consistent throughout coming from the same gun. There was no change in pitch to indicate a change in caliber that I heard. It was uh, just the...the high pitch and consistent pitch of the same long gun being fired uh, in a steady semi-automatic bang, bang, bang, bang. Um...he had trigger control. He...it wasn't bang, bang...bang, bang, bang, it was just a steady squeeze of the trigger bang, squeeze of the trigger bang, squeeze of the trigger bang. Um, then when I watched him through the west bar shooting victims that were down, it was one or two here, one or two there. Um, as he just casually walked...he didn't...he didn't run. He walked um, as there were victims that were down in that west bar.

AW: Okay and you said that you're not sure if he ever saw you?

AG: I don't know.

AW: Okay. Did you see any officers fire any rounds once uh you made entry into the bar?

AG: Not that I remember. Um, I think there may have been a round uh, directed at the bathroom. But I...I don't know. I don't know if that was him; that was us. I don't know if that was just glass breaking at that point. It was...we were inside of that building within two to three minutes of that first gunshot. Um, and then once the team started getting in, it...it seemed like officers flowed in from everywhere. We had him contained, we knew we had him contained. Um, the shooting stopped. Um, and so at that point it was containment and rescue. Um, but I don't remember seeing anybody fire their firearm inside. I know nobody fired on the outside that I saw.

AW: And he's right here on the west restrooms?

AG: Yes.

AW: On the west side?

AG: Correct.

AW: Let me get you to just (inaudible). Now when you was inside did you see any civilians walking around?

AG: No uh, well yes and no. No they were...there was nobody that was standing until officers, somebody said "if you're alive something, stand up, yell out", I don't...I just heard somebody say "if you're alive" and then at some point I was...when I was covering one of the bathrooms, um, so before I was working with the dispatcher to extricate the victims from the office, I was over uh, the opening into the west bar covering the bathrooms. Um, at some point a bunch of victims came flowing from the main dance area into the reception and a lot of people are used to at the end of the night um, they can just walk through these double doors. So when the reception area gets full of people leaving, they're just kind of walk in...walk into the west bar and through the double doors. The double doors are left unlocked. Um, and so they...they were coming into this opening and I just...I directed, I said through the window, through the window, through the window.

Um, so that's when I saw victims that were walking. But upon our initial entry there was...there was no way they were standing.

Q: Now when you fired your first round, approximately how far were you from the suspect? If you had to...

A: Um, I'd say about 75 feet from where I was positioned taking cover behind a car that was parked in the parking lot to the double doors.

Q: Okay. You had a pretty clear sight. Were there anybody walking in between?

A: No, uh, there was the two victims that fell here. Um, there was some folks that were coming from the patio area that was just yelling at them to...to run. Um, but there was nobody in between us. At some point there was a victim on the ground but I don't think she was on the ground at the time of my engangement. I think she came out afterwards.

Q: Okay. Now at the second point where you fired, engaged the subject, how far were you from...

A: So from him I was at the uh, the outer range of um, of uh, effectiveness for putting him down. Um, I'd proabaly say about you know, 100 plus feet um, from the area of what I've identified as four. I believe I was standing in the parking lot uh, through both doors into the main club. And when I engaged him there um, there was...there was nobody standing. It was just him and again it was such a short window of him walking from the south to the north.

Q: Okay. What was the lighting conditions light?

A: Uh, outside there's good light and inside uh, dark um, the uh, the uh...dance floor lights, the disco lights, the laser lights were...were still on. Um, music had been turned off by somebody so there was no music. Um, but I was able to clarely see him, saw his firearm uh, saw him shooting and readily identified him again as the person that I engaged the firest time. Um, and in...and again there was...I could see the bodies from the outside. Uh, the...the ones that I saw were...were along the bar area first that I could see through here. And they were kind of llike not...tucked underneath the bar but...but several feet away in the view of the opening.

Q: Now once you made entry into the club, did you ever see the suspect again?

A: No.

Q: Okay. Um, what was your state of mind throughout this entire process? What was going rhough your mind?

A: Um, it…it was all training. There was no conscious thought as to what I was going to do or what my actions were going to be. Um, when the first gunshots rang out I was like "shit" I'm going to be here a long time. We're going to have a murder. This is going to be another typical nightclub shooting. You know, suspect is going to give up, run away, and I'm going to be here forever tonight. Um, that quickly changed when…when the…the volleys continued. I knew it was something completely different. Um, and I knew that people were getting shot inside. Um, I felt helpless. Uh, I…I do no good dead to any of these people. Uh, advancing on somebody with a…with an assault rifle or a long gun, um with a 9mm so…I…I had to wait I couldn't do nothing. Um, when I saw the two victims come out the double doors and were being shot at uh, I knew there was loss of life, even before that I knew there was loss of life occurring.

Um, and I knew it wasn't celebratory gunfire. Somebody just shooting in the air trying to be a big man and…and watch me I'm going to show you. Um, cause if that's the case it would have ended much sooner. Um, I mean I know I heard over 50, 60, 70 rounds being shot. Um, so it was…the southside of the buidlling was all trayininng..,.there was no conscious thought. Um, I don't even remember…I know I sight pictured but I don't remember. Like I…there was no pause…you know, pause breath and you know, level there was no thought process of that. Um, i…I saw my rounds impact where I was aiming. Um, which was the upper, upper torso chest area. Um, when I repositioned to the east uh, the only conscious thought there was and that was only because there was…there a pause…of reload was of my wife and six children. And telling myself I will not die tonight. Um, and then again I've been informed and I don't remember doing this at all but I've been informed I gave a briefing to this officer as to what I…what the situation was. What was going on and I don't remember saying that at all. Um, and forming a team and advancing. Um, cause I remember somebody, it was one of the lieutenants saying, if it's active shooter engage, team engage. And I think I said we are or I…I don't know what…I haven't heard any radio transmissions so I don't kniow. Um, and then at the point that we were inside the thought was…the state of mind was just like we transistiioned into resuce. It was…it was mass casualty triage. Are you dead or alive, if you're dead we're moving on. If' you're alive we're dragging you. Um, and people were being dragged. Uh, the…the blood was, it was a half inch to an inch thick. I mean it's…there was just pools of it and it…it was just…bright red and thick.

Q: And that was throughout the interior of the club as you're describing?

A: The main…the main dance floor area yeah. Um, I actually never walked through the west bar because that's where we had him contained. And so there were no officers that were out front of the bar. There was Lieuteant Smith and Sergeant Backhaus from the SWAT team that were behind the bar, positioned behind the bar. There were officers positioned in this opening and then there were officers uh, positioned at this double door um, covering various angles. Um, I know at one point when I was in the main area during the uh, extraction phase there were some officers at this door covering. Um, I remember telling Lieutenant Smithk there's a dressing room in the back. Uh, to the back right of the stage. Uh, there's a…another small door that goes to a small dressing room area and then there was an alleyway. Um, that could be accessd through that back door by the dressing room.

Q: Okay.

A: Um, just when your first encounter at the double doors, did you announce anything to make him aweare that law enforcement was there? Did ….i mean at that point?

A: No., um…

Q: (inaudible0.

A: At that point there was…there was no announcements it was um, it was an active shooter. It was a deadly force encounter, there was fear. There was known loss of life, there was fear of additional loss of life. Ujm, and then there was fear of…of uh, of deadly force being used on me.

Q: Um, um. And then uh, just to head on to your uniform again for identification purposes and like video and stuff like that. You were wearing?

A: It's a…a white Motors Polo shirt.

Q: A Polo shirt?

A: Correct. Um, so it's all white. Uh, it has my name uh, Orlando Police Department, my badge.

Q: Okay.

A: Um…

Q: Did you have a TAC vest on or a vest underneath?

A: No I had my…my duty vest underneath.

Q: Underneath it.

A: Correct.

Q: So you would see the white polo?

A: Yes.

Q: And then you said BDU's. what color were the BDU's?

A: Uh, dark blue.

Q: Dark blue okay.

A: And then my tacticall….uh, juust my normal patrol tactical style boots.

Q: Okay.

Q: Did you have your gunbelt and all that?

A: Full gunbelt um, taser, baton, pepper spray, flashlight uh, two sets of handcuffs. Double magazine pouch and uh, my firearm.

Q: So you was easily identifiable as a law enforcement occer?

A: Absolutely.

Q: Okay.

Q: The only thing I got is um, obviously you've uh, you've received extensive training on active shooter situations.

A: Yes.

Q: Um, and as part of that training you're received briefs and information about the individuals that conduct those attacks and the tactics they use and the techniques?

A: Correct, that's why um, when there was a pause before, when the team, when we…I'm sorry, uh, when…when we start to establish a team and came up to the fence line outside the patio and there was a pause. It was an extended pause. It wasn't the pauses that I've heard throughout. It was an extended pause that's why the question now began was it still an active shooter. Was he down? Was he continaed? Or was he seeting an ambush for us? Um, because at that point um, it seemed like hundreds and eventually I think it was, but it was…there were dozens of officers oin scene. Um, so um, that…that…there was a pause in…in our movement to reacess, did we sstill have the active shooter. Was he setting an ambush for us. And then the shooting started again and so we knew it was a continued active shooter. Um, in a…in a sense that was good because we knew weher ehe was. We could identify his location via the gunshots. Um, and so we could move forward and not have to be as diligent to clear a patio that…our training is to mmove to the gunfire as efficiently and safely as possible. Um, so for…if I were to have made entry via the patio, um, and I know the gunfire, I saw the suspect and I know the gunfire is still coming ffom within, I can quickly eliminate the patio as a area of immediate concern. Um, and continue to advance forward. Um, and…and typically you kniow, it's a mass casualty scenario, inflict as much damage as possible when it's an active shooter.

Q: Okay alright and then last question now. Just to summarize it. Basedd on your knowledge, training and experience, uim, is it a fair estimate to say based on what you saw and as things transpired, looking it at you referenced the firearms profeciiency of the individual um, the calmness with which he moved around, is it fair to say that your assessment when you went in was you were dae4ling with somebody potentioally motivated by something far more significant than a crime of passion of a personal grievance?

A: Absolutely um, but when the first shots rang out and I was thinking great another nightclub shooting and I have to be here for it. Um, typically it's a..it's a drug deal it's…oh you were talking to my woman. Um, or oh you um, you know, you jacked me. You know, or you robbed me of my dope last week so I'm going to take you outl. Um, but that would have stopped in this first volley. Um, but there was multiple, multiple volleys…that's the only word I can use for it. Um, and there was…there was periods of reload, periods of reload…so absolutely it's…I knew this was not a typical uh, deadly force encournter. A typical shooting that we would have encounterd. This was...something much, much more. Um, we didn't...at the moment terrorist type event did not cross my mind. But a mass casualty uh, um, active shooter I'm going to be famous incident was going on. I...I'm going down in...in the books in the history of whatever reason or why or...whatever fucked up mentality was going through his mind at the...at the moment. So yeah it...it was not the norm. it was not something that I've dealt with in the past. I've...I spent five years with our Fugitive Unit. I had a guy blow his brains out five feet in froint of me. It's didn't even phase me. Okay you're dead, you molested your teeanage children, good. Um, I've gone in through doors with my team after single, double, triple homicide suspects. Um, it...none of this was...was...anything like I've experienced in 15 years. So I knew uh, instant...not instantly but very quickly that it was different.

Q: Okay thank you.

Q: alright can I ghet you to sign...just sign and put today's date on each one.

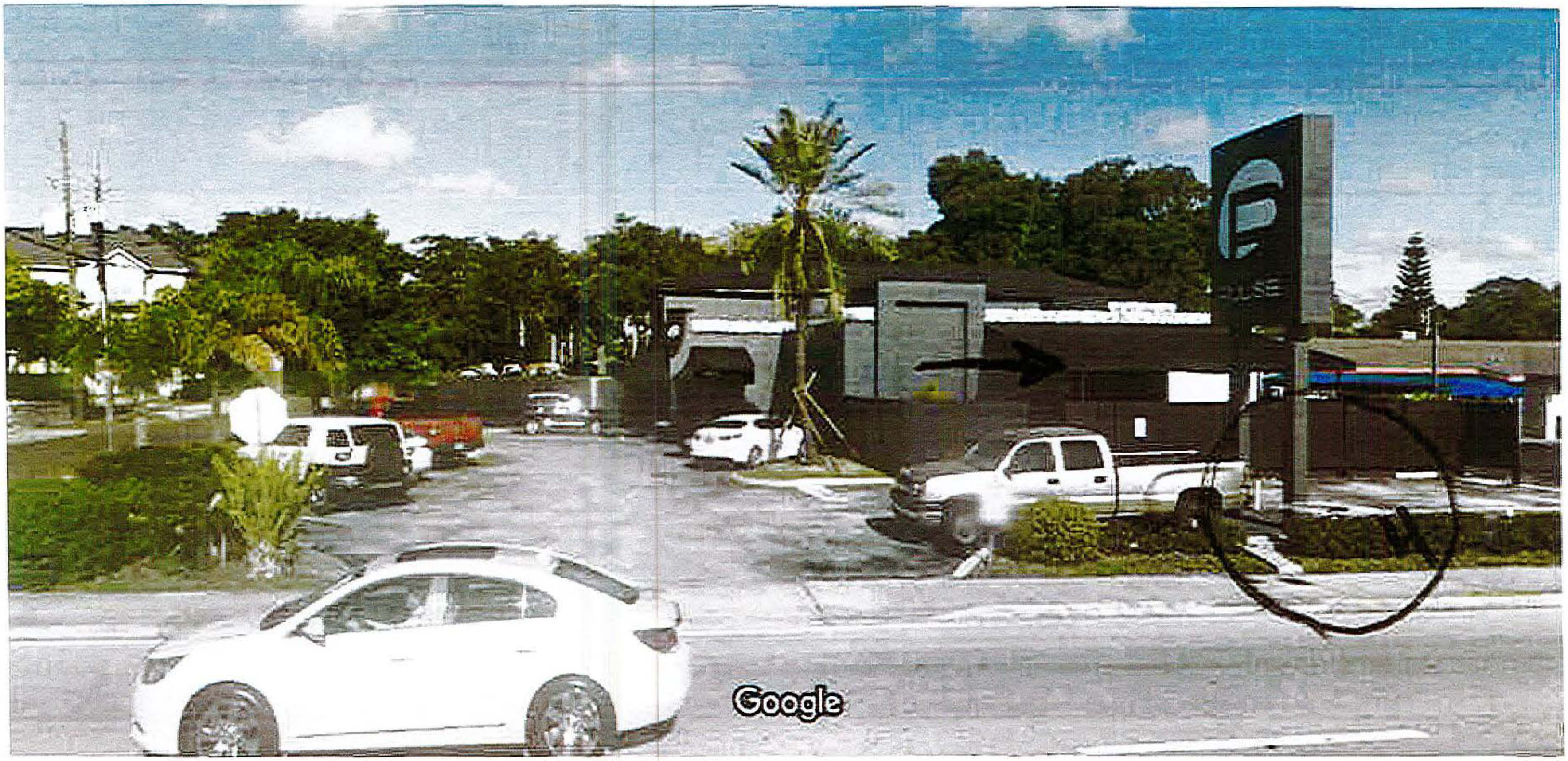
A: Today's the 19th now.

Q: 17th.

A: 17th.

Q: Okay with that said, the time is 1049 we're going to conclude this interview.

/cf **1/25/17**



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Street View - Jul 2015

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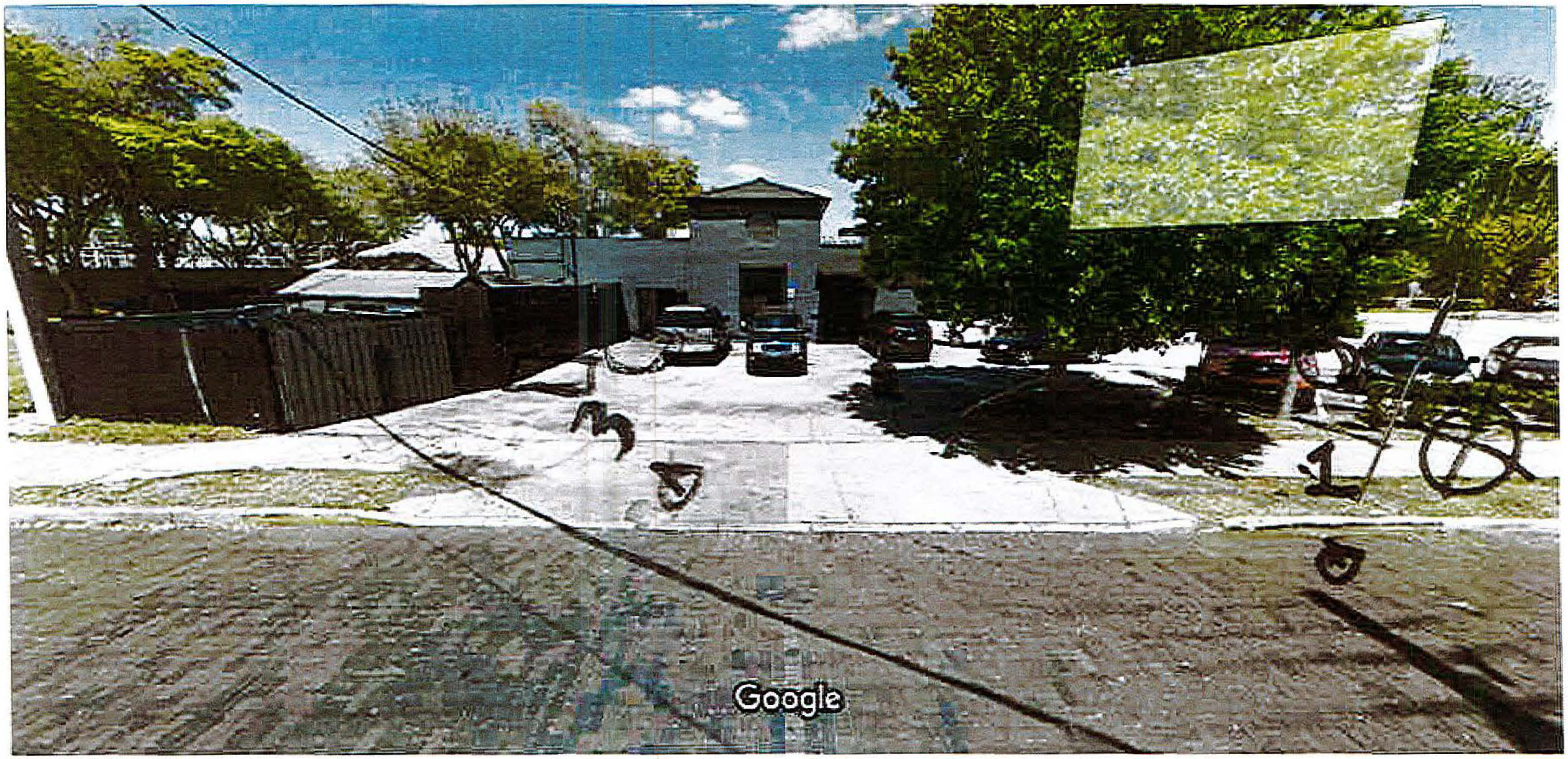

Image capture: Mar 2016 © 2016 Google

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Street View - Mar 2016

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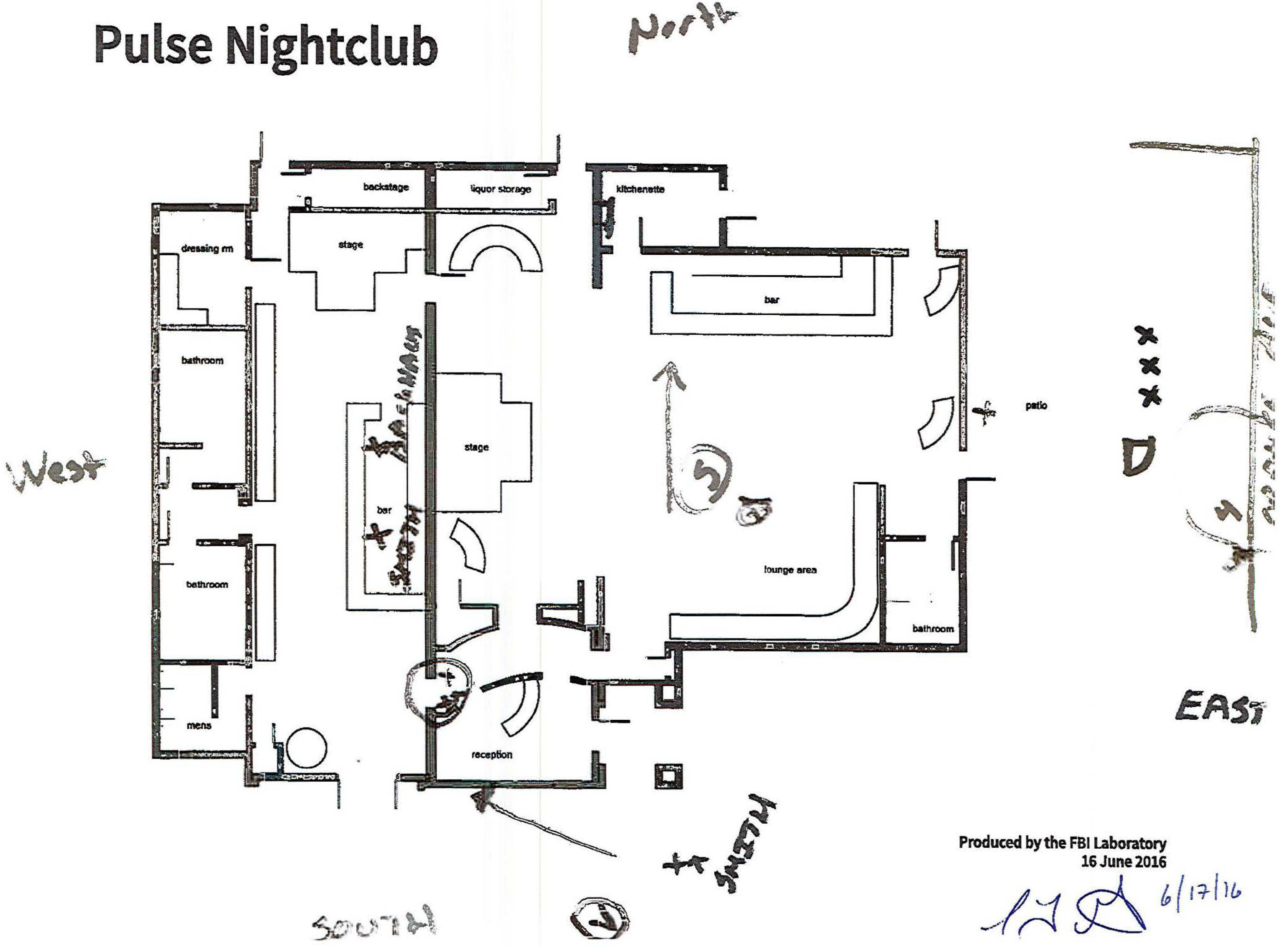
Pulse Nightclub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Produced by the FBI Laboratory
16 June 2016

6/17/16

INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**Lieutenant Scott Smith**
STATEMENT TAKEN BY:	**FDLE Special Agent Craig Beers** **FDLE Special Afonso Williams**
LOCATION TAKEN AT:	**FDLE Orlando Regional Ops Center** **Orlando, FL**
DATE:	**June 17, 2016**
RE:	**IR16-46**
ALSO PRESENT:	**FBI Special Agent Kevin Farrington** **Attorney Jason Bankowitz**
STATEMENT BEGINNING TIME:	**1054 Hours**

CB: This is Special Agent Craig Beers of Florida Department of Law Enforcement. Today's date is June 17, 2016, approximately 10:54 a.m. I'm at the Florida Department of Law Enforcement Orlando Regional Operations Center in reference to case number OR-27-0258 which is a police use of force investigation that began on 6/12/16, June 12 at the Pulse Nightclub located at 1912 South Orange Avenue in Orlando. I'm conducting the interview with Lieutenant Scott Smith with the Orlando Police Department and also conducting the interview with me is Special Agent Afonso Williams with the Florida Department of Law Enforcement and FBI Special Agent Kevin Farrington. Also present in the room is Jason Bankowitz which is Lieutenant Scott Smith's counsel.

For the record I'd like to clarify that this is a voluntary statement being given...given on your part into the criminal investigation part of the shooting. Um, and you're not being compelled at all to give this statement. So at any time you wish to terminate the questioning um, you can stop...stop any answers and leave.

SS: Okay.

CB: Okay. Um, do you understand that this is voluntary statement into the criminal investigation and not anything to do with the administration side?

SS: Yes.

CB: Okay. Um, now if you can just raise your right hand for me. Do you swear and affirm that everything we're going to talk about today is true, correct to the best of your knowledge?

SS: I do.

CB: Okay. Prior to this interview did you actually, were you able to review any video or anything like that…

SS: No.

CB: …regarding this incident?

SS: No.

CB: Body cams?

SS: No.

CB: Video of the club? Okay.

SS: No.

CB: Alright the night of the incident dating back to June 12, 2016, um, what were you wearing?

SS: I was wearing um, standard long sleeve…

CB: Okay.

SS: …uniform for us.

CB: Okay.

SS: I'm a midnight shift watch commander in Patrol for the north division of the city.

CB: Okay.

SS: So um, yeah so I was in a regular patrol uniform. I just happen…I typically wear long sleeves.

CB: Okay.

SS: That's just me.

CB: And the color of the uniform?

SS: It's the dark blue.

CB: Dark blue?

SS: Yeah.

CB: Uh… (inaudible).

SS: With the…with the you know the metal badge, the color brass, the nameplate.

CB: Okay.

SS: You know that type thing so.

CB: Duty belt?

SS: Uh, it's the, nylon duty belt, yeah regular duty belt.

CB: Okay.

SS: Long pants, I know some people now we have that summer uniform. But we…we can't wear that as managers. So yeah long sleeves, long pants, dark blue, standard duty belt.

CB: And what type of vehicle were you operating?

SS: I was in an unmarked uh, Ford Explorer.

CB: Ford Explorer okay what color?

SS: Silver.

CB: Silver. Now on your duty rig how many magazines did you have on your person?

SS: I had the one in the gun and the two; you know the standard three that we're issued in patrol.

CB: And this is for your pistol?

SS: Yes. This is, yeah.

CB: What type of pistol do you carry?

SS: It's a Sig Sauer 226N .357 caliber cause I'm…

CB: Okay.

SS: As you'll find out I am also part of the SWAT Team.

CB: Okay.

SS: You know I started as patrol, this whole thing started as patrol for me but then I also switched over to SWAT. So ours is in .357 typically the duty round for the agency is 9mm.

CB: Okay and the capacity of your magazines?

SS: Twelve.

CB: Twelve in each. Uh, do you top off in your pistol?

SS: Right so in the pistol is 12 and 1.

CB: Okay. Um, the night of the incident what weapon were you actually using?

SS: Rifle.

CB: Rifle. What…what type of rifle is that?

SS: It's a Knight M4 .223 caliber rifle.

CB: How many rounds did you have on your person at that time?

SS: I had one mag which should be topped, or not topped off but at 28.

CB: Okay. Any rounds in the chamber?

SS: Uh, no, no because it's…it's…uh, because I don't have a vault or anything, it's in a bag. It's in a rifle bag, mags out. It's not like cruiser ready or anything in a rack like we usually do for marked cars.

CB: Okay. Alright um, so the night of June 12 um, if you can give me a description on uh, your involvement in the incident? How you came about learning about the incident and…

SS: Okay so like from the very beginning of?

CB: Yep.

SS: Okay um, so like I said I'm North Patrol watch commander. My office is located at Primrose, our Primrose Substation at 595 South…sorry North Primrose.

CB: Okay.

SS: Um, I was actually in my office doing some admin work and they put the 43 out over all channels. So I didn't hear his initial call for help because he's on an eastside radio channel and I'm on north side radio channel. So but when he called for help and they put it over all channels that's when I first heard it. So I ran out of my office to the parking lot, to get to my truck and at the same time I'm switching radio channels now to listen to what's going on. Um, nothing at first because I figure okay he's busy. But then, you know, then he would come up and say "he's still shooting, he's still shooting, he's still shooting" type thing. So I drove from Primrose to Pulse. Um, you know the whole time he's…there's some radio transmissions from him as far as what's going on and you know that the bad guy's inside, he's still shooting.

The distance from me, the distance from there, from Primrose to Pulse um, never really expected him to still be shooting by the time I got there. But I pulled up to Orange and Ester more…a little bit towards the Dunkin Donuts there and stopped. When I opened my door I can hear the pops inside. I knew they weren't outside in the parking lot. I knew they were a little bit muffled, not much but you know there was still shooting going inside in the...inside the building. So I ran to the back of my SUV, popped the hatch, grabbed my rifle, loaded my mag and then took off running across here, right at the corner of the parking lot.

CB: Okay so we're looking at the aerial view of Pulse Nightclub, here the Google map and you said you come running across the parking lot um, this is the parking lot?

SS: Yeah so this is...this is Orange and Ester here.

CB: Okay.

SS: Just out of the picture. So I kind of came across right here at the corner diagonally.

CB: Right.

SS: Um, never been to the club before. You know, you know like I mean I knew where it was the address and everything and you know we've had fights and stuff out there before or whatever typical nightclub stuff. Um, but I don't...I didn't really know the layout of it. I didn't it...I wasn't ever really sure where the main entrance was like you know, where patrons go to stand in line. Cause I know that have that front portion patio and everything. But I...I wasn't really aware of that. I just started coming to this um, L-shape in the building there which turns out to be the main patron entrance. You know when they come to pay or whatever.

CB: Um, um.

SS: Um, the shots that I was hearing at the time seemed to be coming from here. You know, just the main part of the building. There's a set of double doors here that um, one was open when I got there. So I...I, you know, there's sound coming out of that door and there's also sound coming out of the main entrance where these awnings are.

CB: Okay.

SS: So that's...that's just where I was going.

CB: Um, um.

SS: So um, as I got the main entrance um, it still seemed to be like now the loudest point was at this double door where the shots were. Um, as I'm coming to the double door I know I have people behind me at the time. I don't know who they are. Um, but uh, when I get to the door...

CB: Just take your time no rush.

SS: ...I didn't get all the way up to the door but I could see through the crack that was open. So the half that was open was the half more towards me.

CB: Okay.

SS: You know so it opens outward…

CB: Right.

SS: …um, so you can see through the door jamb a little bit. And at that point I wasn't sure if he was shooting out towards that opening.

CB: Um, um.

SS: Or if…or if he was still shooting just at people or whatever inside.

CB: Okay. And if you can just mark up where you were initially and uh, where you moved, like your movements. What we're trying to do is like track your movements.

SS: How do you want, what do you me to mark on this?

CB: You can use whatever you need like an X or an O.

SS: Okay so…

CB: So…

SS: …um, I can't really…

CB: Or since you just ran through parking lot you can even use the floor plan here to…

SS: Yeah.

CB: …play your emotions. This is actually the L you described?

SS: Yeah so this is…yes this is…so this is the double door that I'm talking about.

CB: Um, um.

SS: This is actually a…a window right here.

CB: Alright.

SS: Um, this large, this large window right here.

CB: Okay.

SS: Um, that's about where I got to. I wasn't up against the wall I was a little more out in the parking lot. So that's how I could see through that door jamb right there, like I could see a little bit of this interior portion. And like I said this other half was closed.

CB: Right.

SS: Um, when I wasn't sure if he was shooting out you know, waiting for somebody to come through the door. I asked somebody to break this window here to our side and um, one of the guys behind me, later on I found out he just...he just his ASP out of his holder and just threw it. You know, like just threw the whole thing instead of...he didn't extend it and try to break the window he just threw through the window. Um, it broke a little bit, it's like safety glass, a lot of it was still in the window. Um, so I stepped over the wall, cause it's raised off the ground there. You can see a little bit. Just kind of muzzle punched my rifle through the glass and just did a quick sweep to kind of get some of it out of the way. And we stepped in; I stepped in first into this reception area. And I know some...I...you know it's still one of those things I don't look behind me.

CB: Um, um.

SS: I know there's a couple of guys coming in here with me. Um, it's really dark in this...in this area, which to me looked like the...the cashier area, you know when I was in there. Um, there's a beaded curtain hanging, like 1970's type you know, beads hanging there so you can't really see. Um, so we...we make our way through here. There's a...there was a dead body here at the...at this corner right here kind of in the hallway. There's a bunch of blood on the ground. Um, I remember seeing a mag somewhere around here. And I don't...I couldn't recollect where but it was a .223 mag. Um, so I kind of know what I'm dealing with now. It's not just a handgun. And I don't remember at that point whether or not anybody had...if Gruler had actually said if he had a rifle or not. I don't...I...timeline wise I don't remember that.

Um, there was...at one point there was a little bit of lull in the firing. And uh, I believe we were right around here at this point in this...in this hallway, this junction to like the main dance floor, the rear bar area.

CB: Um, um.

SS: So at that point we were trying to figure out okay where...where exactly was the last one and that's when I...that's when I first looked into this main dance floor and saw all the bodies in there. Um, then there was a couple more shots. So we came through this threshold into the bar area. Um, this was pretty much all clear. I don't remember seeing any bodies on this floor here. And at that point I heard another shot ring out in this back area. Um, somebody...somebody went into this bathroom cause I kind of told them, like cover, hey cover this...cover this opening. It didn't sound like it was coming straight across from us, it...it sounded like it was from here back.

CB: Okay.

SS: Um, um...that last...that like in between that...before that last shot there was a couple of screams. Um, and there was like maybe one or two more shots as we came around the bar. And to me it seemed to zero in on this hallway. Cause this hallway's about I would say five yards or whatever deep. It goes all the way to the rear wall. So at that point I was probably at the bar and that was the last shot I heard. So I walked to the...right into the middle of this floor to look down...down the hallway and I knew somebody else kind of had you know, my...my back covered but I was pretty convinced I was zeroing in on this from the last echo of the gunshot.

CB: Okay.

SS: Um, and so at the point, at that point I knew I could see bathroom, you know the signs, the typical signs on the wall. So um, uh, I kind of figured alright there's a lull, there's a stop so I'm thinking he went searching in the bathroom for victims. He's done in there and at any second now he's going to step out into the hallway. Um, so I...we stayed there for you know, in reality it was probably only a handful of seconds but it felt like awhile waiting to see if he stepped out of either one of these doors. Because to me the echo was just in the hallway so I couldn't figure out, you know I didn't know which room he was in down here.

CB: Um, um.

SS: Um, at that point I figured let's try to get a little bit, you know the shooting had stopped so he's either out of ammo, he's killed himself or he's barricaded himself.

CB: Um, um.

SS: Um, so for us you know, like the active shooter portion of it, that's kind of stopped. Um, so I figure let's get a little bit better protection and we came around, I came around and stood behind this bar. Straight down the...straight down...so I could still see straight down the hallway. Um, one of my other guys who's also a SWAT guy, [redacted] he came and kind of came to the left of me behind the bar and there were...I think there was two other guys to my right.

CB: Um, um.

SS: Um, but they didn't really much cause [redacted] and I were kind of taking the hallway from that point. Um, timeline um, I don't know, like I know I was on the radio. Um, some of the stuff I don't remember that I said that people told me I said like later on. Um, but I knew we had a lot of bodies over here. So I was, I was trying to talk to my other watch commander who works this eastside area. That, you know, I'm like hey...and I...I don't know if I said "he's pinned to the west" or you know, whatever but "we need to get...we need to start getting triage, like kind of triage teams to pull people out that we know we can help". Um, I don't remember how long we're there but at one point I see in the south bathroom there's...you know, I'm sorry. I don't think I said this before. But this south bathroom door is open. It looks like it's opened to us. And I could tell the north bathroom door is closed.

CB: Okay.

SS: So um, at the south bathroom door, at that...at that threshold I kind of see this. You know if I'm looking down the hallway all I see is the side of a head, I see an eye peek around. And it's you know, it's not...it's not low on the ground likes it somebody laying on the ground that's hurt. And it's not high like somebody's just standing looking. It's...it's like a crouch. Um, peeks his head around the corner so I immediately start giving commands like you know, "OPD let me see your hands, let me see, you know Orlando Police" I didn't say OPD but..."let me see your hands, step out, step out, step out". Um, and he just kind of stares at me. And then he actually looks like, to me he looks down the hallway to kind of see who's standing next to me. And at that point I'm like "this guy's...this guy's assessing me". Like he's trying to figure out where I am. Um, I see...I see movement down like, you know, if his head's down here, to me it would be like waist area. So at that point he starts to come back, you know, like duck back in and I take three quick shots at him. And at that same time [redacted] takes one shot.

So um, they looked to me like they hit the...the door jamb like to the front, not the back wall. Um, there was no...no response at all from anybody in there after that. Um, still no screams, still no other shots fired from you know, the bad guy down that hallway.

CB: Okay.

SS: We sat there for a little bit longer. I think I made some you know, radio transmissions um, again about the people that were back here in the main dance floor. There was also two...two bodies, actually not bodies, they were...as far as I know one of them was alive. There was two guys um, behind the bar with us. And I saw them originally when I went back there but I could tell the one was injured pretty bad and he was just, you know a couple of times he said "Hey I need some help" and I'm like "we'll get to man just hold on". Cause you know we were still worried about the threat right there. Um, at that point somebody came behind me and dragged both those guys out from behind the bar. Um, you know assuming they just came out, I don't know which way but they came through this door over here, if they dragged them out.

CB: Um, um.

SS: After I was there a little while, still no response from anybody down there, not response as in we were giving any commands cause we weren't. Um, like...cause we still didn't know what we had. At that point there was no, there was no indication about like the phone calls that...I know 911 was getting calls but there was no indication about you know, him calling yet and identifying himself and pledging his allegiance to whoever. And we hadn't got calls from people that we could be sure of that were in the bathroom.

CB: Um, um.

SS: So still for me after I shot at that person, it's...its still barricade. Like I don't know they're actually hostages, it's just a barricade.

CB: Um, um.

SS: So I tell, I told Jeff I'm like "I have to go and kind of scan this and see what's going on so I can try to get some other things done" and at that point I look and I know he's a SWAT guy and the two guys to my right are, actually there's three, two of them are current SWAT guys and one's a former SWAT guy.

CB: Um, um.

SS: So I'm pretty comfortable with leaving them there and...and holding this point. So I uh, come back into this main dance floor through this door over here. And that's when I get a better look at all the bodies that were along the bar and in this dance floor. When I get here there are quite a few cops now in this area. Um, some of them are kind of just standing around waiting for things, waiting for somebody to tell them what to do. Um, there a couple that I see that are dragging people out. Couple of the ones that were dragging, I was like, they're obviously dead. So I told them you know, I was like just pretty much out loud to everybody there. I'm like "look stop…save the people we can save if they're showing any forms…any signs of life pull them out. If they're not they're obviously dead, you check them, leave them". And I also got like with, there was somebody from another agency he had sergeant stripes on his sleeve. And I said you know "I have we started kind of searching, do we have control of this place" basically what I was worried about. And um, and he…you know, he really wasn't sure yet either you know, cause he's just showing up to all this chaos. So um, um, while I was in this room that's when everything else started happening. There's this little I guess they call it a kitchenette back here. To me it's more of like a storage you know, you know storage for the bar. Um, they started searching back here. I…I think at least one or two came out of this room, um patrons. I found out later there was a bunch that came out from this front bathroom by the patio. But in this…in this rectangle right here, there's a second floor.

CB: Um, um.

SS: So right above this what's labeled as a liquor storage room, there's a second floor and that…there's a ladder in this kitchenette that goes up to this landing.

CB: Okay.

SS: And that landing I guess is the DJ booth. And it's not just an open booth with you know, like a DJ standing behind whatever, you know, electronic board he has. There's another room up there like what is drawn on this floor plan.

CB: Um, um.

SS: It's an enclosed; it has a door and everything. This…there's a second floor landing here with a ladder in this corner where you see this door. So they…you know we searched that door, we didn't find anybody up there, somebody went up the ladder. There's actually one…one of those…two-way mirrors up there so people can sit up there behind the two-way mirror and look at the dance floor. Um but then as…as people were giving commands I would say um, eight, eight or nine, maybe ten people came out of that DJ booth room upstairs.

CB: Um, um

SS: And it took awhile but once the one came out then they started flooding out and one point we were like stop, you know, like hold on because we were…you know, we didn't know who was involved and who wasn't. So it kind…they kind…some of the guys kind of took control of them and brought them down that ladder one at a time. They were all pretty much bloody some of them were obviously limping and wounded and then they were all taken out the front. Um, I had a…I had a big group of guys here kind of covering this way where we had fired shots you know to help out. Um, at that point I knew there was a couple other SWAT guys that were working the shift that I hadn't seen yet so I started asking them, you know, where they were and type thing. So I kind of wanted to switch out guys…guys I work with, the guys I trust you know into these key positions here in these thresholds and at this door here.

CB: Um, um.

SS: When I looked at this door again, somebody had opened it. So both doors were wide open now. And it's a…you know, it's a pretty good opening. And there were more people covering uh, weapons inside here. Um, once we…we had searched this whole thing, we kind of controlled things. And I pushed all these uh, responding agencies you know, whether it's OPD or whoever else helped and wound up inside. I kind of pushed them back out to the doors. So I got them out of this large dance floor area and pushed them back to the patio door or back out the entrance. Just to clear that area and so people didn't have to stand there and look at all that stuff.

Uh, at one point I guess in the radio transmission behind the bar I had asked for a SWAT call out. I guess that's the way they paged it out per me, which it doesn't work that the lieutenant calls out the SWAT team but um, the Comm Center did it anyways. So and luckily you know, people started showing up so. Um, the more SWAT guys I got there the more I relieved out of there. So at one point it you know, that's when it started to change…

CB: Okay.

SS: …from SWAT, from Patrol to SWAT, for me.

CB: Um, um.

SS: Um, you know and during this whole process there was still nothing from anybody down there. Like there's…there's no calls for help. You know, out loud verbally that we can hear. There's no screams, there's no shooting from him. There's…you know, there's no acknowledgement that he's still down there. Um, by the time all this was going on, we did start to get some phone calls or you know, Comm Center started to relay. Like "Hey we're getting calls from people that say they're in the bathroom". You know and at that point it's which bathroom are they in.

CB: Um, um.

SS: You know fig…try to figure that out. And I know like when I asked the Comm Center "are they in the north bathroom or the south bathroom" people that are inside the club they don't know which way north and south is.

CB: Um, um.

SS: They're not going to the club, you know we do, so it's a hard question to ask and get them to differentiate what bathroom they're in so.

CB: Okay.

SS: Um, a lot of confusion at that point, um, as I'm you know, before I switched out the bulk of the guys for SWAT guys you know he had made that phone call and you know his allegiance and shit like that. So um, so then I knew it went from barricade to hostage. So okay so we do have live people even if we're not sure which bathroom it is, there are live people down this hallway that we can't get to.

CB: Okay.

SS: Um, so again SWAT started to arrive. I'm…I'm switching people out. My captain shows up, my SWAT team commander, and start briefing him real quick. The armored truck starts showing up. And uh, at one point when I'm out here in the parking lot, I can see through these double doors I hear some guys giving commands in here.

Um, so…

CB: What were they saying?

SS: Uh, they like…like "let me see your hands" type thing.

CB: Okay.

SS: So I…so I know something's going on down here now.

CB: Um, um.

SS: So I, you know I step up a little closer and at one point I see there's a guy dragging himself out.

CB: Um, um.

SS: He can't walk, he's obviously injured, he gets in here to open, they tell him "keep coming keep coming" and he gets out there in the open, you know they have him pull up shirt stuff like that kind of…take a look at his waistband so we could see hands and then you know his leg and something is obviously screwed up. So um, he just comes around the corner here and myself and there's a couple other SWAT guys we come in here and grab him real quick and drag him out the…the double doors. And then it kind of goes back to normal. And I think about that time is when the vest thing started coming into play. "Hey I have…I have an explosive vest" some of that communication was starting to be relayed I think about that time. Um, so I took these guys that were in here, just to create a little more distance instead of straight on with this hallway…

CB: Um, um.

SS: …we moved them out of here and I put them at this threshold and this threshold.

CB: Okay.

SS: So it's still a…a crossfire situation here but it's…it's more on the front of this hallway. So we…we gave up the doors. We couldn't see the doors anymore, which is what we had, but we still had the hallway. So if he comes out it gives us a little more distance. Unfortunately we gave up the doors and we couldn't see like if he…if he wanted to move between bathrooms, he could have. If…you know, I don't know if he knew that you know.

CB: Okay.

SS: Or whatever but…so pretty much it was an entire SWAT operation after that point.

CB: Okay so…

SS: So that's the turnover point.

CB: To go back you were…you said you initially came through the window here.

SS: Yes.

CB: Raked the glass and what have you. Um, you first came into this large dance floor area?

SS: We didn't make it all the way into here.

CB: Okay.

SS: From…when we got into this hallway here is when that…there was a like bit of lull.

CB: Okay.

SS: So I was…we were still trying to figure out "this way or this way".

CB: Um, um.

SS: And you know we're trying to figure out the layout too because it was so confusing and dark in there.

CB: Okay.

SS: You know it's darker in here than anywhere else. This was lit up, but it's up with like dance lights and stuff.

CB: Um, um.

SS: You know there's like still some movement with the lights going on and everything. This wasn't as like bright and neonish as the dance floor but it's still dimly lit inside.

CB: Okay.

SS: So at this point we looked in here. But we didn't go…we didn't go in here. That's when the shots started again so we came through this hallway and entered the bar from here.

CB: And when you were moving through this uh, area of the hallway into the bar here on the…I guess it's the west bar people are calling it.

SS: Um, um, yeah.

CB: Um, who was with you? Was there somebody? Did you know who was with you? Or was it anybody?

SS: At that…at that point I didn't know who they were.

CB: Oh okay.

SS: I knew there was at least one guy behind me.

CB: Okay.

SS: Cause at one point you know, he kind of, he had a handgun. And he's sticking his handgun kind of like walking with me, you know, so he's not lasering me but…come to find out that person with the handgun is the former SWAT guy that was with me.

CB: Okay.

SS: And that's…

CB: Do you remember his name?

SS: …yeah that's K-9, he's in K-9 and it's Manny Florin.

CB: Manny Florin. Okay.

SS: Yeah.

CB: Alright so you and Manny are moving…

SS: Um, um.

CB: …to the west bar here. And uh, where do you go from there? You come in and you…

SS: Yeah we come in, we get to about the corner of the bar and like I said that was probably…we were at probably the corner of the bar when that was the last shot that we heard.

CB: Okay.

SS: And then that's what, that last shot kind of zeroed me in on this hallway. So we came to the center and took the hallway because at that point I saw the bathroom signs and I'm like "He either just killed himself with his last round, he's out of ammunition or he's going to come back out".

CB: Right.

SS: And I…I figured he'd step out of that hallway and I'd down him when he steps out of the hallway, you know, steps into the hallway.

CB: Okay. And then you said at some point you set up behind the bar here?

SS: Um, um.

CB: Um, where were you exactly, if you can go ahead and mark where you were standing, just an approximate?

SS: So I was, yeah I was pretty much right there.

CB: And if you can just label yourself.

SS: Like me?

CB: Initials, yeah me or what have you. Whatever works for you.

SS: Alright.

CB: And then uh, you said somebody else was behind the bar with you?

SS: Yep...

CB: Several people.

SS: I would say um, that's [redacted]

CB: Okay.

SS: Okay he'll be...I think you're supposed to interview him next.

CB: And he's a SWAT guy too?

SS: He's a SWAT guy too.

CB: Okay.

SS: Um, I...come to find out he was with me at some point in here moving but like I said I...I never...I didn't look back.

CB: Alright.

SS: Cause I knew there were shots in front of me, I didn't want to turn my head. Um, and then to the right of me, um, there's actually three.

CB: Three other officers.

SS: And...and like I said Manny, the K-9, the former SWAT guy he would be one of them. When I left to come do an assessment in here um, these two were uh, Mike Napolitano.

CB: Okay.

SS: You...again SWAT guy he's the one that got hit in the helmet.

CB: Okay.

SS: So you'll interview him.

CB: And then Ben Chisari.

SS: Okay. He's also a SWAT guy.

CB: So all three of them were behind the bar?

SS: Yes.

CB: Alright um…

SS: Besides us at that point, when you know that timeframe where we held when I came out here. I know there was a large group here that had come in at some point behind us and they were kind of holding there.

CB: Okay.

SS: And then at one point there was another group over here by this door.

CB: Okay.

SS: And they were holding there.

CB: Alright. So while you were behind the bar is when you actually see this head poke out from the bathroom door. Uh, which bathroom was that?

SS: The south.

CB: The south.

SS: Yeah.

CB: If you could put a mark there and…okay. So you see the head poke out from that bathroom and you fired three rounds?

SS: Um, um.

CB: Um, did you hear him say anything?

SS: No.

CB: No? Okay.

SS: Never responded to any of my commands about showing his hands or stepping out into the hallway.

CB: Okay.

SS: He just sat there and looked at us and then…you know, I get it, you're looking at me. You know, I'm the one that's yelling at you and you know, you should be looking at me. Um, but what really did it is like he looked at me and then he kind of turned his head to look at…as much of the bar and he could look at.

CB: Okay.

SS: You know at the end of that hallway. He scanned everything and I was like the fucking guy is assessing what…what's out in front of him.

CB: Um, um.

SS: Whether or not he can take what's…what's there.

CB: Was anything else revealing in the doorway or was it just his head?

SS: No that's it.

CB: Okay.

SS: Like you know, I didn't see his shoulder; I didn't see anything until I saw that movement which was about waist level. And then…and then right as I fired he cut back.

CB: Are you able to describe what he looked like? No, okay.

SS: No I mean it's like, it's lighter skin is all I can say.

CB: Okay.

SS: You know um I couldn't tell you beard wise or whatever from what I saw. I just know its lighter skin.

CB: Alright and you said [redacted] is how you…

SS: [redacted]

CB: [redacted] fired a round after you fired?

SS: Well you know, I…I know there was…

CB: (inaudible)

SS: …a discharge over here and then at some point…

CB: Oh yeah.

SS: …you know, I was like "hey did you fire" you know after we weren't getting any other response. He goes "Yeah, yeah" he goes "I fired once on the guy".

CB: Alright so you fired, you set guys up at the doors. You start switching these guys at the doors out for SWAT, um, SWAT guys and people are doing triage and what have you throughout the building. Um, you exit and you're standing by these double doors and extract the victim at some point?

SS: Um, um.

CB: What uh... At what point, do you actually get involved in the SWAT call-out at that point?

SS: Yeah, yeah…

CB: (inaudible) I mean are you on the team that…

SS: Yes so…

CB: If you can kind of walk me through from the double doors you guys get together with SWAT and what happens from there?

SS: Um, so like I said I got…I got with our SWAT commander outside. Kind of gave him a brief rundown of what's going because he knew things were unusual about the way the page went out.

CB: Um, um.

SS: I kind of told like how many were dead, you know a rough estimate that I thought, how many people I saw on that dance floor. Um, I told him about the bathroom it's pretty much isolated to this western side of the building. Um, you know so he's like okay and I said you know we have no idea how many people are in here or…and we also didn't know what was in this corner over here. I did know there was this other door here. I noticed that door but we…we just couldn't get to it at the time, like to figure out what's back there. Um, at that point all those guys you know we have our own SWAT channel when we do a SWAT operation. So you know the guys that are showing up they're on the SWAT channel they're getting briefed. You know, every…and from that point everybody's um, they're putting out snipers, you know in positions. And just putting more of the uh, the assault helmets throughout the…throughout the building. Um there's a couple of you know SWAT guys running around, taking a look at all the…you know the whole…where all the doors are, where we can get in and you know what have you. Um, I would actually come in and out a few times to drop off…excuse me, drop off SWAT guys at these positions where I pulled them back to. Because like myself these SWAT guys in here, you know we all responded in regular uniform.

CB: Um, um.

SS: So I would go them I'm like "hey switch out you know put a guy with heavy gear in here, go get your heavy gear out of your car and then come back".

CB: Okay.

SS: So I did that with Ben and [redacted] and at one point later on I did it myself. I went back to my truck and got all my heavy gear.

CB: Okay. So then you guys get ready, you already heard the...the pledge of... (inaudible) over...

SS: Yeah so...

CB: ...was that via radio (inaudible).

SS: Yeah radio communications. Yes.

CB: Okay.

SS: I had switched over to you know, at one point I switched over to the SWAT channel so when I'm on that I'm not on the primary channel. So the primary channel is for all the perimeter and all that. All the you know, injured, triage and stuff. So while we're on the SWAT channel um, well like before the...some of the bomb stuff had come out about him having a bomb vest. Um, before that you know, guys had...had started to do the search of the...the perimeter of the building and figure out where. And then we're also getting updates from Headquarters. It's like...I...I know the one was...there's a manager of Pulse and he's in communication with employees who are still inside.

CB: Okay.

SS: I'm like alright well find out where they are and you know, all we would get is dressing room. Where's the dressing room. And letting you know over the radio and over the phone that the Comm Center's talking they can never straighten out you know a good explanation about where this dressing room is. And it turns out it's the you know the northwest corner of this building. And I'm not sure how accurate this diagram is cause I believe there's like two...there's' actually two rooms.

CB: Oh the dressing room is split into two?

SS: Yes.

CB: Okay.

SS: Because...and that's what we were being told by the manager. He goes "there's a large dressing room and a small dressing room".

CB: Okay.

A: So we're like alright so with that portion of it we actually got our hands on the manager.

CB: Um, um.

SS: And we brought him here and we told…we, you know, from Ester out here. We were like "look through those double doors and tell us where the dressing room". And he said all the way back to the stage and to the left. Okay so now we know, we have people back there too. Um, a couple of SWAT guys went back here. They found an exterior door, it was actually open. We told him we have to breach it, you know, pry it or whatever if you have to it. But it was actually unlocked. So they pulled it open they kind of peeked there and they can hear people like, kind of…somebody called out to them. Like "hey we need help" and they're like 'let's go get out". So they…they got people out of that one. I think that one you know, I don't know if that was the small or large dressing room. Um, then on the phone again with the manager um, one of our SWAT guys actually got on the…took the phone from the manager and started talking to somebody in the dressing room. And there's a…there's an A/C unit in a wall. And I don't know west wall or north wall. Cause I never…I never walked over here. Um, and he…one of our SWAT guys said "does your room have an A/C unit in the wall?" and he's like "Yes". So we started, we pushed that in, they pulled and we pushed and created the opening and then pulled those people out of the room.

Um, at some point later on you know, he apparently started talking about he has more vests and he was going to put um, four vests on four victims and send them out.

CB: Okay.

SS: Out into the…you know out into the club. Um, and he gave a timeline or a deadline of 15 minutes.

CB: Okay.

SS: So that was…that was relayed over the Comm Center too.

CB: Was that the only time you actually shot? It was…

SS: No I…

CB: …or were you involved in the shooting?

SS: Yes I am…I am involved in the shooting. You kind of want me to go into that?

CB: Yeah just go through…

SS: So yeah so the decision was made for the explosive breach. So I talked to, I was talking to the EOD guys; I'm like "get your charge ready, we'll figure out where we want to place it then we'll go from there". But I told them I said it looks like we're going to do this so...um, so he's like alright. So his guys, you know guys were working, I'm kind of talking to the captain from the command center cause the captain had left here and gone to the command center. Um, and…and the big decision was you know, which wall are we going to put it on.

CB: Okay.

SS: Um, so the ultimate decision was we wanted it on the south bathroom wall. I did forget, at one point when SWAT was there, we sent a robot in to…because this is door's closed, we couldn't get in there but this was open. So we sent a robot in there. So we knew we had a large group of people in there. It looked on the camera that some were dead but that a number of them were still alive.

CB: Okay.

SS: So um, we put the…we put the charge on the south wall, once I told the captain the charge was on the south wall, um, we had a team in this…in this field back here. Um I'll use…I'll use both of these.

CB: Okay.

SS: So um, we had one of our armored cars it, that was actually parked in the parking lot on this hard lot here directly out from this west wall. So the EOD guys,

CB: (inaudible)

SS: That's it right, this is the only one.

CB: Yeah that's going to be…that's the one.

SS: So the EOD guys walked up and they put the uh, they put the charge I think this is like the drain from the roof, like the downspout.

CB: Okay.

SS: So they put um, right about I think just to right of that downspout.

CB: Okay.

SS: So they backed up, the captain said yes, you know go ahead with the breach. The EOD guy did the breach it goes off. Um, the guys in the back here started to approach you know with their flashlights and uh, Stanley, Tim Stanley immediately started yelling "no breach, no breach" it didn't work.

CB: Um, um.

SS: So I was actually on the corner of the building back here at Ester, kind of the southwest, you know by the…kind of by like this fenced…walled in trash area and stuff.

CB: Alright.

SS: Um, that's where I was when the breach went off with the EOD commander here. Um, at that point when I started to move up when…when this team started to go to the wall. Tim said no breach and then he's like "hold on let me check it". At that point I actually went up there with him and there was a cut down the concrete wall where you see inside. You could see inside to the dry wall. So we were like, we knew how weak that wall was. Um, and we had already set up the...the external ram on the front of our armored car.

CB: Um, um.

SS: So we told them, we're like "hey we can breach this wall" and all that stuff was relayed to the command post and stuff. So the truck came up and started hitting exactly where the breach was. And it was pretty much you don't have any after pictures do you?

CB: No we don't.

SS: Okay.

CB: Take and mark where approximately where the breach was....

SS: So um, so we knocked out a rectangle uh, right there where the breach was initially placed on the wall. And as soon as we knocked it out, I think the truck hit it twice and it all fell, fell away and then we were like shit it's actually at the dead-end of the hallway.

CB: Okay.

SS: So we knew weren't in the south bathroom cause you know that opened up, we could see this closed door, so we knew that was the north bathroom. And we were all over here to the south a little bit so we're looking in. And we were like we're not...we're not on the right spot.

CB: Alright.

SS: So at that point the decision was made to immediately move to the south. And we knew the truck could handle the wall on its own. We...we felt...we felt the truck could handle the wall on its own. We put um, so I know we put five total holes in the wall. You want me to just number...

CB: Yeah if you can, just label it breach.

SS: Okay so this...

CB: ...and the number.

SS: ...I'll put this as number one.

CB: Okay.

SS: Um, and that's...that was the explosive breach and I would say right about there is number two.

CB: Okay.

SS: Um, that was one initial punch with the truck so that's the whole you'll see in those pictures, the after pictures it's about that big around.

CB: Um, um.

SS: It's a little high on the wall. He punched that in and backed out. We looked in there and um, it was more like a foyer area, like the bathroom, it looked like the bathroom hadn't opened up yet.

CB: Okay.

SS: So we were like alright move again. So then this I would say would be number three.

CB: Alright.

SS: About the farthest one to the south. He hit it twice with the truck I think and then we actually, there was some screaming on the inside, like "stop" you know um, and we assumed that was because the rubble was falling in on top of them. Um, so...we stopped with the truck and we actually took a handheld ram and...and started chipping away at the entrance to the wall, you know the hole we were making just to make it big enough either for us to get in or somebody to get out.

CB: Um, um.

SS: Once we made the hole we were immediately giving them commands "come to us, come to us, come to us". So most of them started to come to us um, you know, and...and all it was grabbing heads or hands or whatever and just yanking them out. And dumping them on the ground.

CB: Um, um.

SS: Guys would pick them up afterwards. You know I asked...I asked for more help from like perimeter positions, not from SWAT guys on the other side but for them to hold their position. But perimeter like patrol positions get over to this field here and start taking control of these people.

CB: Okay.

SS: Either and you know searching them at first and then getting them...getting them to medical stations. Um, I would say I think the estimate we...like we talked about that night. I would say uh, 9 or 10 people came out of that south bathroom. Um, at about 8 or 9 is when we heard shots from the north bathroom.

CB: Okay.

SS: Um, so we knew he...you know he started shooting again in the north bathroom. We weren't sure if he was shooting people in there. He could be just shooting out the door because he was panicking cause he knew we were there. We didn't know. Um, the truck, we told the truck to immediately move to the north wall.

CB: Um, um.

SS: And hit the north wall. Um, timeline right now, it's a little fuzzy. So I don't know if he actually hit the wall first and then the guy came out or...or if he came out you know like as it was happening or you know, afterwards. But I do remember also as the truck was moving, myself, and another SWAT guy threw two flash bangs at the door. Um, you know and those...those went off back to back.

CB: Through one of the holes?

SS: Uh, we threw it through initial breach charge.

CB: Okay.

SS: Right at...right at the closed door.

CB: Okay.

SS: So that's where I threw mine. I think ...I think Lieutenant Bigelow was the other one who threw a flash bang.

CB: Okay.

SS: Cause we don't...we don't all carry them. I know the team, the team commanders and team leaders and stuff have them so.

CB: Right.

SS: So I think he was the other one to throw his. So you'll have to ask...but mine went through the...through the breach hole into this area right here.

CB: Okay.

SS: And went off. When both those went off the shooting stopped and I would say three maybe four rounds from inside, inside that north bathroom.

CB: Alright.

SS: Um, you know the truck, the truck went to uh, um, I would say it's like this stall right here where this toilet is.

CB: Okay.

SS: Okay so that was the first hole we put...put in the north wall. Um, and that's when, you know it's somewhere around there either right when it happened or before, that's when he came out.

CB: So he actually pops out of the one you're pointing to right there?

SS: Yeah, he...no I'm sorry he came out of the...the door opened.

CB: Oh okay.

SS: And he….the door opened to the north bathroom and he came out.

CB: Okay.

SS: And he…and he didn't just come out and turn or do…he came out with you know a handgun and a rifle in his hand. And he started to come up the rubble like he was going to come out that breach hole.

CB: Okay.

SS: Um, he was already firing. He got off the first few…few rounds in that whole barrage that happened.

CB: Do you know if he was firing the handgun or rifle?

SS: Uh, to me it looked like he was firing both.

CB: Oh, okay.

SS: Um, you know and then at that point it was everybody returning fire to him as he's pretty much right on…right coming in, almost coming out.

CB: Okay.

SS: Uh, when he fell he fell back so he fell back onto the rubble and right at the entrance to the north bathroom door.

CB: Okay.

SS: Um, you know, I was trying to yell "cease fire" to people um, you know we reload, everybody kind of stayed where they were. We reloaded uh, somebody yelled like you know "hey check each other, make sure everybody's alright, anybody hit" that's when Napolitano spoke up he goes "hey I think I just got shot in the helmet". And you know it's kind of one of those surreal moments where it's like everybody's like "what?" You know like what did he just say? You know so um, so we grabbed a hold of him, looked at him, you know he started to have some blood trickle down from his forehead where he got cut from the helmet and stuff. So we passed him off; we got somebody like…I think we asked one of the EOD guys "take him and get him back over here to Ester where we know we can get him some first aid". A couple of guys went to the initial breach hole, this hole number one here. Kind of peered down and looked at them. EOD guys were really worried about a device. They started yelling "do you see anything, do you see anything". Um, at that point one of them moved up and looked and…and they…the word I remember hearing is a battery pack.

CB: Okay.

SS: Back there. Um, so the EOD guys goes "hey we're treating this like a live device, you know this is...this is live. He's got something on him". Um, but uh, at the same time we were yelling through this port to see if we could get a response from anybody in here. And people were responding so we knew, we also knew we had live people in the north bathroom still. So we were not going to go...we were like, well we got to get these people out no matter what. But we couldn't go through this initial breach and through the door because he was laying there. And EOD was like "he's got a device on him".

CB: Alright.

SS: Um, when we breached this it was right at a stall so that's why I'm...that's why I believe it was like right here on this diagram where that stall is. Uh, when I looked in the stall door was closed so we couldn't really much that hole. You know we could see the stall. But to me it looked like there was probably 3 or 4 dead bodies piled up on...on each other like you could barely see the toilet, you know they were just all in a pile.

CB: Um, um.

SS: But then the pile was actually moving and there was somebody at the bottom. And then you know, we were...the...the guys up close there they were talking to him. He goes yeah I'm trying, he's like you got to get yourself out of there because we couldn't...we couldn't...we couldn't reach in there far enough, the size of the hole to move the dead bodies.

CB: Um, um.

SS: And you know he was just trapped on top of...you know if there's three dead bodies. You're looking at your possibly 300 or 600 pounds of dead weight you know sitting on top of you. So he was having a problem trying to free himself. He eventually kind of wiggled his way through um, the dead bodies and when we could get a hand on him. And pulled him free and we pulled him through that opening. But that...because of how crowded that was with dead bodies in the stall. The stall was kind of all jacked up from...from breaching that wall. Um, I said don't...we can't use that one because we can't get people out of there. So we uh, we moved to the south and I would say that would be number five there.

CB: Okay.

SS: Somewhere around there. Um, at that point, you know we were also asking, we were worried about those four vests that he...that he was talking about. Before we pulled that guy out, "did you see anything in there weird, did he leave anything in there with you". You know and at least one of them, to me it sounded like a female voice, she was answering no. you know. Like just "come help us, come help us". So once we breached that one um, Officer Stanley and Sergeant Parker, actually we couldn't...there was nobody there, you know, like in sight because if see you have to go around the stall and everything opens up around that way. So they actually went through the hole themselves and went in and kind of disappeared around the corner here and then they started dragging...dragging live bodies out passing them off to us and the same thing again we were passing off to the perimeter guys. And then at one point because of all the work they did over here, you know, like Sergeant Parker was getting pretty tired so I sent Officer Perales was the third one that actually went through that breach hole and pulled out a couple of bodies.

CB: Okay.

SS: And at that point they're still working the live device and we got our SWAT guys out, you know we doubled checked, they double checked as best they could to see if any of those other bodies, if anybody was alive. And then they came to the hole and then we backed everybody out…out of there because of uh, the EOD threat.

CB: Okay. So you fired during that round of fire?

SS: I did, I did.

CB: Did you go through your magazine?

SS: I did not.

CB: Did you reload?

SS: I reloaded because that was also the same magazine that I had from the front.

CB: Okay yeah.

SS: So you know I knew the front was three rounds. You know, I'm concerned about that um, back here um, I do…we do have a couple of Knight's armament rifles that are full auto and back there it was on full auto.

CB: Okay.

SS: So I did…I did a burst. You know it was more than a three round burst but you know, it definitely wasn't a whole mag. I wasn't even; I wouldn't say it's half the mag.

CB: Then you put a fresh mag in?

SS: Yeah at that time I had changed, I had changed into my heavy gear so I had on my SWAT gear so I had extra, I had spare .223 mags. So I just dropped it, I dumped on the ground. I didn't retain it um, and then put a fresh one in.

CB: How many mags did you have on you? Do you remember?

SS: Uh, typically I carry two on my leg and a thigh holster and then I have six on my vest.

CB: Okay.

SS: In pouches on my vest so that's eight…eight other mags that I started with besides the one that I loaded originally.

CB: Okay alright. Um and they're all loaded with 28?

SS: Twenty-eight yeah.

AW: Alright. Um, throughout this incident with your involvement did the suspect ever say anything?

SS: No we never, we never heard anything from him. And like...and that's what....what was weird about it. When we were inside and they were saying he was on the phone and stuff, we could...we could not hear him talking in here. There was no echo or anything coming around, coming down that hallway. And even when he came out you know, that...we figured you'd hear that last, you know psych yourself up scream or something. You know but it was like (finger snap) that. And he was standing in that breach hole with that handgun and that rifle.

KF: The only question I got is um, you said that there was... he's on the phone with the Comm Center. He's talking about he's ISIS and all this stuff.

SS: Um, um.

KF: And this stuff, that is being relayed?

SS: Yes, yeah yeah that was...that was relayed and like I said the timeframe just that...that whole haze of this whole thing...I...it was...it was after I shot but before I moved them back from this bar. Okay because I...the ISIS thing did...did come over but the bomb thing was even after that. So like for me from...from the standpoint of get go, you know its active shooter. The gunfire stops, we don't know who we have back there, if he's still alive, it's just a barricaded gunman. I say just but you know as opposed to what it turned into. It's a barricaded gunman he could be by himself, he's the only one, he may not have any hostages. Then we started getting the phone calls that were in the bathrooms so now it's you know, active shooter barricade, hostage situation and then the ISIS claim comes out so its...it's moves to terrorist situation. And then the bomb threat comes out so now we have other things to worry about and we start, that's when I start creating some distance here for the guys that were up closer to the...

KF: And obviously when you look like ISIS and bombs involved, you know you're possibly dealing with um, a threat that's going to use tactics and techniques, well beyond....

SS: Correct, correct.

KF: ...a gang member or something like that.

SS: Right.

CB: Now I know you said he, the bad guy approached came out of hole one we'll call it with a rifle and a firearm but why did you use deadly force? I mean what was going through my mind at that time?

SS: Oh cause I was going to die or one of the other you know, 12 to 13 guys that were standing out there (inaudible) he was going to kill one of us.

CB: Any other questions?

JB: I guess when you shot initially from behind the bar you saw him peeking out. Was your thought that by shooting at that point you could potentially save some lives that were in that building?

SS: Yes and that's what I talked about like to me it wasn't a normal it just…it nothing's normal in this situation I get it. Even for…even for us or for the victims that were trapped in there. But for him to come out there and do that and not respond in any way and to look, not just to look at me but to look at the situation that's in front of him, it was more of an assessment of hey you know, can I take you or do I just hole up back here.

JB: It was the same mentality at that point it was shoot or be shot?

SS: Yeah. Yeah.

KF: And obviously not only a firearm threat which was there as well but even letting him advance and get close to you guys

SS: Yes absolutely, absolutely. And you know, and later on you know we had that discussion with our team members and stuff that our position in that hallway. Just because he comes out and he shows you his hands if…if he moves towards you know that's it. So.

CB: Is there anything we didn't ask you that uh, that maybe a question we didn't ask properly that would explain what happened in that?

SS: No I don't…I don't think so. I think I covered it.

CB: Okay.

SS: Got it off my chest a little bit.

CB: Sign the ones you marked up. I'm going have you sign and date.

SS: Just anywhere?

CB: Yeah today's the 17th. And this one here if you can just write breach. Just sign and date.

SS: Yes. I'll just put number one. That's just the original where the original one went. I don't think I used those unless you wanted me to mark the window where I went through.

CB: No that's fine you used the floor plan here that's…plenty. Anything else, no. Then that concludes the interview at 11:52 a.m.

Interview concluded at 11:52a.m.

CB: It's June 17, 2016. Approximately 2:08 p.m. This is Special Agent Craig Beers of the Florida Department of Law Enforcement here at the Orlando Regional Operations Center in Orlando and it's going to be a follow-up interview with Lieutenant Scott Smith in reference to case number OR-27-0258. Also present is Special Agent Afonso Williams with the Florida Department of

Law Enforcement, FBI Special Agent Kevin Farrington and Jason Bankowitz, Lieutenant Smith's counsel. And also present is Lieutenant Smith.

SS: Yes.

CB: If you can just state your name?

SS: Lieutenant Scott Smith.

CB: Okay and if you can raise your right hand for me. Do you swear and affirm that everything you're going to tell us today is true and correct?

SS: I do.

CB: Okay. And previously, I previously gave you the formalities prior that this is a criminal investigation and...you don't...you're not compelled to talk with you and...

SS: Correct.

CB: ...and you can stop at any time.

SS: Correct.

CB: And this is not part of the administration process' it's actually part of the criminal investigation into the shooting, do you understand?

SS: Yes, yes I do.

CB: Okay. So if you can uh, tell us what information was uh...

SS: Yeah so I...I...once I was done and I remembered something that I didn't...I didn't mention. I had it in my head before when we were going through things but then questions kind of took us in a different direction so. Um, at the back, after he came out and...and fired on us and then we returned fire and he went down. Um, when he was coming out he was...I...I said he was trying to come out that...that initial hole that we had put in the wall.

CB: Okay.

SS: And that he had fallen back in the rubble. The initial guys went up there to check on him, they called out that battery pack, you know whatever that was that they saw. EOD called like a...it's an active device, we're going to work this. But we knew we had the survivors in the north bathroom. Um, as the truck was moving to break...or you know repositioning to break those holes in the north bathrooms, somebody had mentioned "hey are we sure he's dead?" Um, you know with the...with the device that EOD was calling and the information that was received from him personally before you know it just kind of clicked right in...automatically with me and I was only like five feet away from the EOD guy that was closest to the bad guy. So when uh, and I believe it was Lieutenant Bigelow that mentioned it in the crowd that made that statement "are we sure he's dead". I just turned around and backed the EOD guy off. Um, kind…I put my optics on his head and took one round to his head.

CB: Okay.

SS: Just to kind of be sure, no twitching, no nothing, no last minute or last…you know breath, desperation that could do something to anybody around there.

CB: Okay.

SS: So that's it.

CB: Anything else? Any questions?

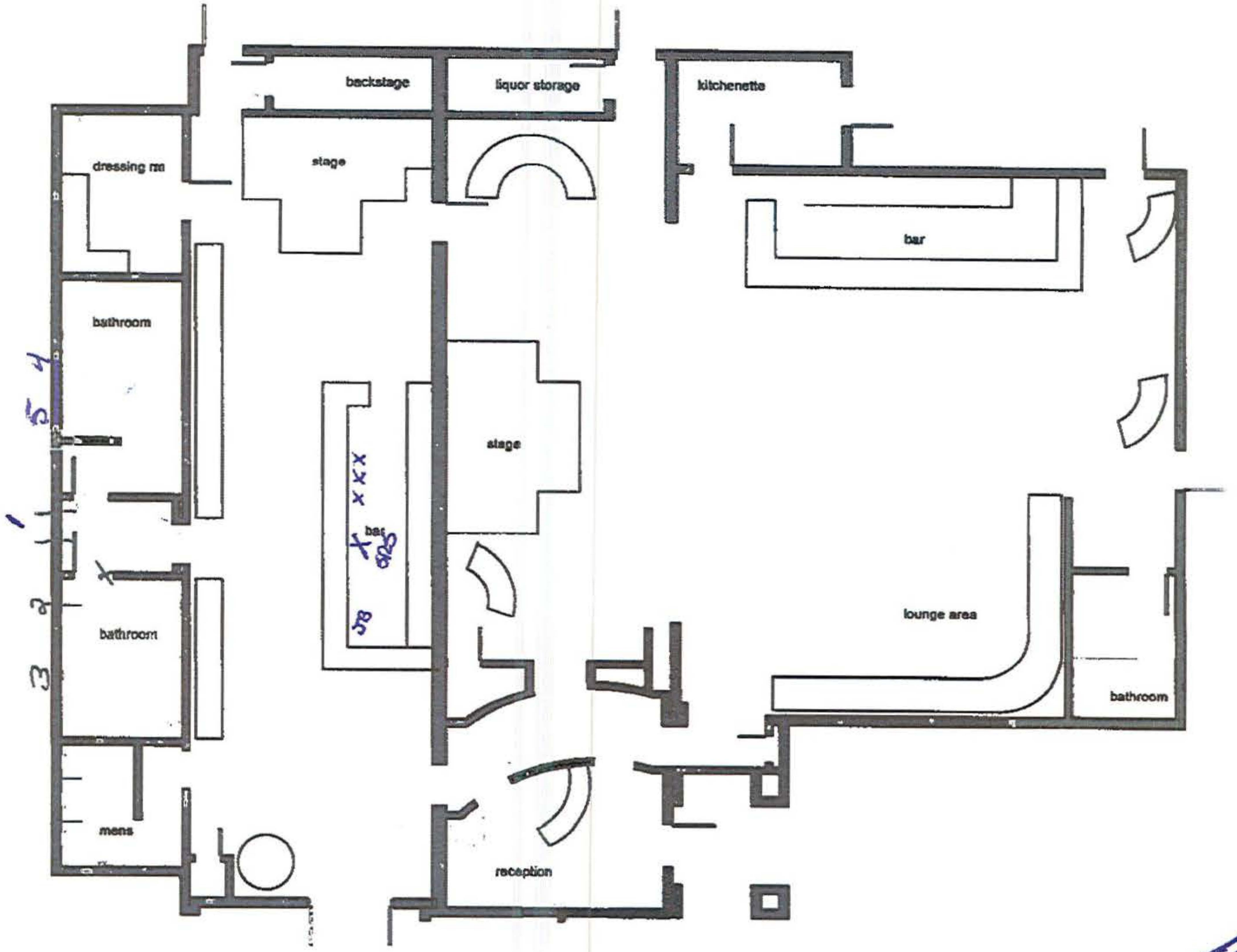
AW: No,

LF: No.

Q: No alright that concludes the follow-up interview at 2:11 p.m.

/cf **11/7/2016**

Pulse Nightclub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16 June 2016

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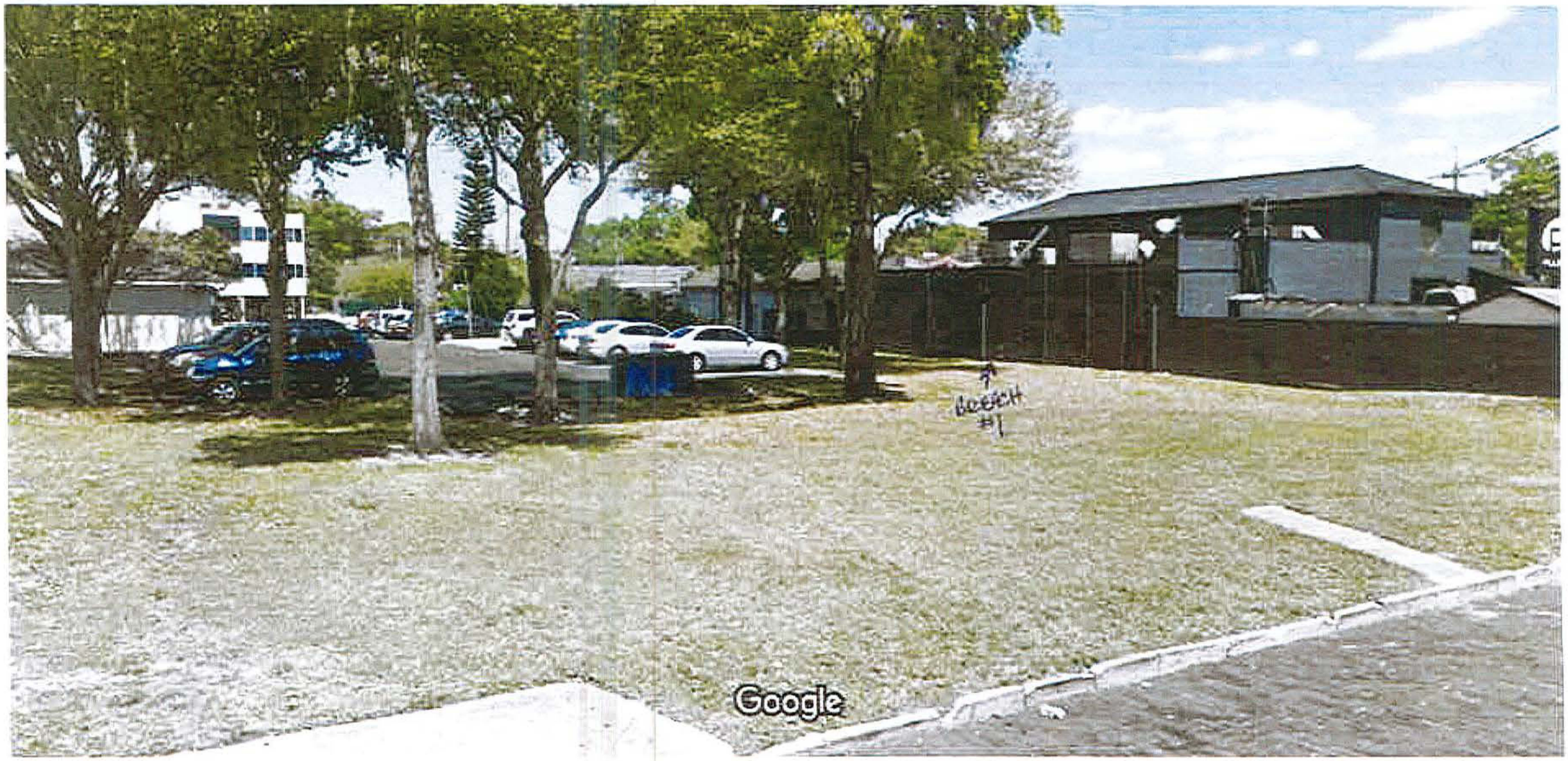

Image capture: Mar 2016 © 2016 Google

Orlando, Florida

Street View - Mar 2016

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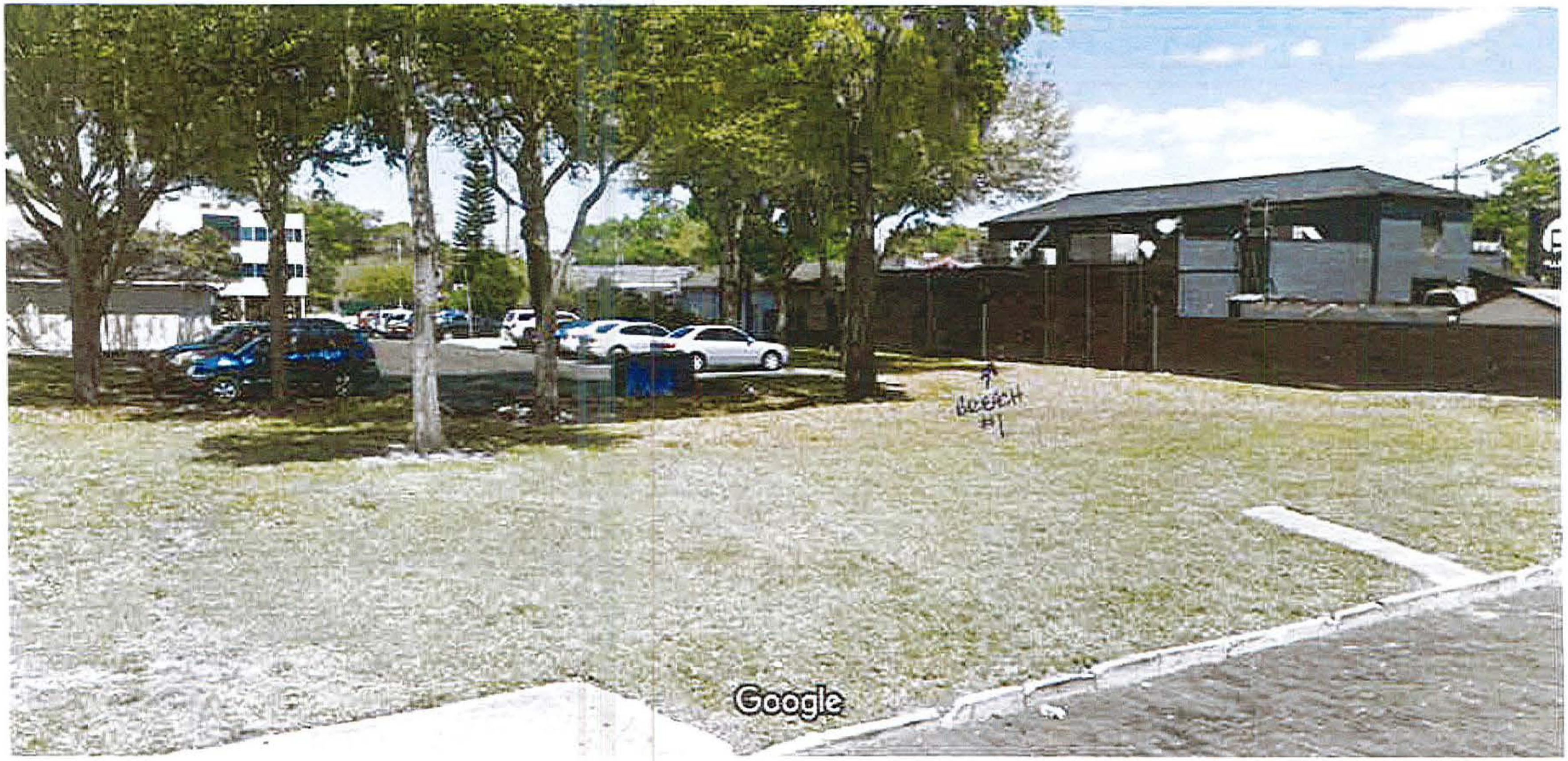

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Orlando, Florida

Street View - Mar 2016

6-17-16

INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**Sergeant** [redacted]
STATEMENT TAKEN BY:	**FDLE Special Agent Afonso Williams** **FDLE Special Agent Craig Beers**
LOCATION TAKEN AT:	**FDLE Orlando Regional Ops Center** **Orlando, FL**
DATE:	**June 17, 2016**
RE:	**IR16-46**
ALSO PRESENT:	**FBI Special Agent Kevin Farrington** **Attorney Jason Bankowitz**
STATEMENT BEGINNING TIME:	**1212 Hours**

AW: We are on tape this is Special Agent Afonso Williams of the Florida Department of Law Enforcement. Today's date is June 17, 2016. Time is approximately 1212 hours. I am at FDLE Orlando Regional Operations Center located at 500 West Robinson Street, Orlando. This right here is in reference to FDLE case number OR-27-0258 which is a police use of force investigation that began on June 12 of 2016 at Pulse Nightclub, located at 1912 South Orange Avenue, City of Orlando. And we're conducting an interview with Sergeant [redacted]

[redacted] [redacted]

AW: [redacted] of the Orlando Police Department. Conducting the interview with me is FDLE Special Agent Craig Beers and also FBI Special Agent Kevin Farrington. Also present in the room is Jason Bankowitz, Sergeant [redacted] attorney.

Just for the record I'd like clarify that this is a voluntary statement being given to you as part of the criminal investigation into the shooting and that you are not being compelled in any way to provide a statement. Do you understand?

[redacted] I do.

AW: At any time during this proceedings if you want to terminate the interview let me know and I'm going to turn off the recorder.

[redacted] Okay.

AW: Do you understand that this is a voluntary statement being taken as part of a criminal investigation and not an Internal Affairs statement?

[redacted] I do.

AW: Alright can I get you to raise your right hand. Do you swear the testimony you are about to provide is the truth, the whole truth and nothing but the truth so help you God?

[redacted] I do.

AW: Okay. Prior to this interview uh, did you review any type of audio recording or video?

[redacted] No I have not.

AW: How long have you been employed by OPD?

[redacted] Uh, this will be twelve years.

AW: And on the date of the incident were you performing your duties as a police officer?

[redacted] I was.

AW: And what was your duties at that point?

[redacted] Um, at the particular time when the call went out I was working off duty at a club downtown.

AW: Okay. What club were you working?

[redacted] Uh, Club Ember.

AW: Okay. What time your detail normally starts?

[redacted] Uh, shift is 10:30 to 2:30.

AW: What uniform were you wearing?

[redacted] Uh, regular blue patrol uniform?

AW: Class B?

[redacted] Class C I think.

AW: Class C. So your traditional…

[redacted] Um, um, short-sleeved, blue patrol uniform.

AW: What weapon were you carrying?

[redacted] Uh, at that time my Sig P226.

AW: 9mm or .357?

[redacted] .357.

AW: How many magazines did you have?

[redacted] Uh, three.

AW: How many rounds in each mag?

[redacted] Those are 12 round magazines; so 12 rounds in each one.

AW: Do you top off?

[redacted] Yes.

AW: So that would be 12 plus 1?

[redacted] Um, um.

AW: Alright how did you become involved in this incident?

[redacted] Uh, as I preparing to leave the club uh, Officer Gruler called a Signal 43 at the Pulse Nightclub with continuing shots fired. Um, I was just about leaving the club so I jumped in my car and drove Orange Avenue and responded to the Pulse Nightclub.

AW: I'm just going to have you keep going.

[redacted] Um, got there, I parked my vehicle right at Kaley and Orange, right by the fire station. I got out um, at this point from Ember to there Officer Gruler continued to update that the subject was still firing, still firing, still firing. Um, so I knew this was a little more than a normal shooting incident um, and we had an active shooter. Um, so I retrieved my rifle and spare magazines from the back of my car and moved to the front of the club. Um, when I got to the front of the club um, shooting was continuing inside. Um so we...I knew that we going to make entry or go into the club to attempt to stop the active shooter. We moved around to the, I guess it would be the south side of the business, um, and to the...to the left of the large plate glass window that we eventually made entry into. Um, I think it was two double doors. I believe one of those doors was open. And I could see from that side, I could hear shooting inside the club at that point and was going to move...move towards that um, I was kind of...I had cover behind a car so I was trying to hopefully going to the shooter move in my view from outside. Um, and as that was happening Lieutenant Smith um, Officer Chisari, Officer Florin and Napolitano I believe as well um, were moving up all along the building side towards that plate glass window. Um, so I took a position basically to cover them from outside the building as they broke the glass to, for us to go inside.

We then went inside the club to attempt to locate the shooter and I guess where that plate glass is it's kind of like an entryway. Um, so we went through the window and it kind of splits in two different directions. Um, Lieutenant Smith, Chisari and Florin went to the left and myself and Officer Napolitano went to the right to kind of clear around to try to locate the shooter. Um, and we ended up into the main dance floor area, um, where we encountered um, people everywhere. Um, injured, there were still people hiding uh, behind the front, behind the large bar in that room. Um, I remember pulling Officer Napolitano with me as we...as we moved through. I could see on my right, I think...I think there's another door or front access or kind of...I guess it would be the east side building access where I caught that were more officers basically staging there. Um, since we moved into that front room, started directing some of them into assist to get some of the walking people, or people that were still hiding, get them out of the club. Um, as I continued to move around to a...another door um, that I guess led back to the smaller bar back to where Lieutenant Smith had gone, a smaller area, moved into there and then took a position behind a bar with Lieutenant Smith, I think Florin, Chisari and Napolitano were all back there as well. Where we took a position to cover the hallway where we believed the shooter was at that time.

Um, as we...as we were there um, it's a...it's a relatively short hallway and at the end of it there's two bathroom doors. Um, that was the...the general area where I last heard or could hear the shooting come from. Um, so we held on that hallway. One of the doors, the door to the right of the bathroom the right, or northern most bathroom door was closed. The left one, the door was pushed open or propped up against the wall. Um, and I took the position kind of deeper in the bar to where Lieutenant Smith and I were cross covered on the doors at the end of that hallway. Um, so I was covering the closed door on the right and he had the open door on the left.

Um, shortly...it didn't feel like we were there for too long, um, on the bar with my rifle. Um, there was a subject that began to uh, come out of the open door bathroom that Lieutenant Smith was covering. Um, from my angle, my view was relatively obstructed but I could see a very small portion of that person. Um and unlike all of the other people that were in the club, this person was standing up. Everybody else was down on the ground, crawling, hiding, hands up. Um, give me a sec....figured I was going to that in here. Um, it was...it was odd to me that this person was standing up um, and kind of...from the very small view that I could see was kind...using one of our tactics uh, kind of peeking around the corner, kind of slicing a pie like we would do to gain tactical advantage on us or try to locate where we were. Um, I could see a very small portion, (inaudible) cause he was a light skinned person um, and I remember thinking as we in that the initial calls said there were one or two shooters inside that we were looking for. Um, and I believe that somehow one of the descriptions we got along the way was that it was light skinned person.

Um, the...Lieutenant Smith began to challenge the subject that was standing in the bathroom or kind of...starting to peek out from the bathroom door. Identified us as the police. Told him to "show his hands, show his hands". The person did not comply. He continued to slowly slice the pie to gain an angle on us. Um, based upon all of that I believe that this was the...the shooter, the person we were looking for. Um, we knew we had him, we...figured we had him in that hallway but we didn't know which bathroom he was in. Um, so believing that that's who was now coming out of the bathroom at us, I believe Lieutenant Smith fired a couple of rounds. Um, and I did as well believing that that was going to be the shooter that was coming out of the bathroom at us. As soon as we did that the person went back into the bathroom we heard nothing, there was no noise, um, nobody said anything to us. There was...there was really no activity after that.

Um, time progressed and we um, started receiving intel about bombs and things of that nature. Um, and we were…we tried to take a better tactical vantage point on that hallway. Um, and…so we moved out from behind the bar and moved back to more of a…back to the…I guess entryway, or the main where the plate glass window was and we were able to cover the hallway um, where we believed the shooter was from that…from a further…a further distance put still able to cover that hallway. However, we weren't able to see those doors any longer. Um, held that position for a little bit, still in my, my patrol uniform. Um, we had other officers there with us so we were able to kind of rotate through to relieve us a little bit, get us off the gun for a few minutes.

Um, during, sometime during that period of time I did have a subject crawl from the hallway where…that were covering. Um, crawled out hands first so we could see his hands. Ordered him out, uh, stopped him halfway between us because we had the….the intel about somebody with bombs. Had him show…I had him pull up his shirt so I could see that he didn't have a vest on or anything like that. And I directed him out to those double doors to the left of where we were positioned now.um, in the entryway. Um, that person was grabbed up by the other SWAT guys or whoever was outside that door and taken away.

Um, eventually when the…the SWAT callout had gone out, the other guys, the remaining SWAT team had come we started getting guys in heavy gear. I was eventually relieved from the inside position and was able to go back to my vehicle and grab the rest of my gear. My heavy gear, my SWAT gear um, and went back to the scene. Um, you want me to go on?

AW: Yeah keep going.

[redacted] Uh so from there uh, I had a position on the, I guess we're still…we…we remain on the south side. Um, the…our Bearcat was positioned up towards those…the double doors and the plate glass window for a while. Um, and I kind of rotated in and out to cover uh, we were covering that hallway from outside from behind the Bearcat. Um, did some running around with um, Officer Stanley and we had the…the owner of the club trying to get a better layout of where these…what these rooms were that we were looking at. How many rooms there were on the far uh, west side of the building and where hostages and where people were still holding in these rooms trying to determine a plan where we could get in there to get these people out.

Um, eventually our, we had our larger Bearcat um, I guess, I thinks its Ester that right there. Uh, I assembled the…the battering…the ram on the front of the…of that truck. Um, which we then moved over to the…we moved the truck to the…to the west side and we were, I'm also, I'm the grenadier on the team, so I had to go over there and I assembled our…the gas delivery system that we have in the front of the truck that were going to penetrate the wall with the spike and to deploy gas. Um, so I moved over there and assembled that and put that on the truck. Sometime in that ballpark is when we got the information or he said he was going to send out four people with the…with suicide vests. And they put a 15 minute time limit on us, things were kind of speeding up at that point to uh, kind of meet that time limit.

Um, the explosive breach uh, was attempted. Um, during that period of time I had taken a position in the back of our Bearcat that was on that side. Um, so that we…myself, and I believe it was Officer Cute were in the gun ports on the side of the truck. So in case the breach did work properly or if the gunman came out through a hole and presented himself that we had an opportunity to engage him through the...through the cover of the gun ports in the inside of the truck. When the breach didn't work, um, we used the truck to make the holes in the wall. Um, and at some point I got out of the truck, and we had moved up to the wall um, and we were getting victims out of the holes in the southern, southern most bathroom. Um, Officer Stanley and I, I think we were right up at the...right at the hole and there was one final person that was uh, alive and talking to us through the hole that we were trying to direct to get out of the hole, to come to us. I believe that's when the subject started shooting again in the northern bathroom, um, as we...as we basically got him out of the hole. Um, we then, we...I know the...the...the shooter's active again. We're going to then make entry to go take care of that threat. Um, two DD's were deployed um, as we prepared to go in and at that point I believe either the shooter was...he was shooting through the door directly to the south or shooting at us. Um, but there were multiple shots fired in our direction. Um, and I was kind of towards the back...the back of the stack of people that were there, cause I was closer to the bigger hole where we were pulling people out of.

Um, when the subject came out um, the...our...the front guys on our team engaged him. Um, started shooting at him as he was shooting at us. I stepped...I had to step to the left uh, to gain a...a view or to gain a shot on the subject. I stepped further left. I fired where I could see the muzzle flash coming from inside the hole. Um, shortly after I started firing I believe Lieutenant Smith or somebody that was to my right starting calling a cease fire. So I stopped, continued to call cease fire for other people. Um, we stopped uh, everybody kind of did a buddy check. Check to make sure bad guy was down. Um, and then continued to move. I believe at that point the truck was further down the wall and we started breaching the um, the northern most bathroom and began to pull people out of that bathroom.

Um, from that point I kind of moved off to the back and we had several patrol officers that were over on Ester um, waiting for victims to come to them. So I kind of directed them towards us and had them stage closer to the hole there it's where I could directly handoff people that were coming out of the hole to patrol officers. We did that, once we got everybody out of the hole, everybody that was around, um, we turned over the scene to EOD because we believed that there was still a device on the subject. Turned the scene over to them and then stood by for, to be relieved and turn over all of our gear was the rest of it.

AW: Okay so that's pretty much the end of your involvement?

[redacted] Yeah that was pretty much the end of it.

AW: Okay. Uh, what I have is diagrams. And I've got a clean picture of what occurred. Now I'm going to have you to track your positions to the best (inaudible).

[redacted] This is my first time actually getting to see a full layout of it so...so hopefully this will help me piece together some stuff too.

AW: This is the layout?

[redacted] Makes sense.

AW: That's this?

[redacted] Yep it looks about right.

AW: Alright I have these (inaudible). Alright so uh, what I'm going to do is, when you arrived on scene, uh, where did you park your vehicle?

[redacted] Um, I would have been parked way over here somewhere um, on Orange Avenue, right at Orange and Kaley. Um, so when I moved up on foot, I moved this way, this direction first. Um, I'm still outside, not on the patio, but through the parking lot this way.

AW: Um, um.

[redacted] And moved my way around here. This is where the large plate glass window is and the two, the double doors.

AW: Okay.

[redacted] Um, this is where we smashed the window and made entry into the reception area.

AW: Okay so what I'm going to have you do is put your initials and a one and that's prior to going into the...the club?

[redacted] Correct. That's to the...this is where we made entry into the club yeah.

AW: Okay now take me from there your movement again?

[redacted] Um, this is where we split um, I guess it would be we moved into here and I think...I don't really recall...I don't recall there being a door this close. I mean the layout seems it...I guess it could be. Um, Officer Napolitano and I moved our way into I believe we came through here cause I remember clearing this closet door. Um, moved...this is where we moved into the right, where we had split the two. So Lieutenant Smith and a couple of guys went this way. Myself and Officer Napolitano went this way where we began to encounter um, several people behind this bar. I located a couple of people behind this little couch here. Um, and we moved across uh, across the bar area. Um, now seeing that this is patio entrance, that's the door that I observed um, other officers staging at when we made our way through. Um, I was able to direct a lot of those in as I had moved around this way. And we were to get the people from behind the bar and anybody else that was still you know, walking wounded or anybody that we were able to get out from here and we pulled out this way.

AW: Let me get you to put your initials and two and you said Officer? What's the other officer's....

[redacted] Napolitano.

AW: Napolitano.

[redacted] Yeah.

AW: Let me get you to just put his initials...he was there with there with you as well?

[redacted] Yes.

AW: Okay. Okay now describe the scene. Once you went over in this area what did...what did the scene look like? What did you see?

[redacted] Um, there was people everywhere. Bodies, this entire dance floor was...was covered with bodies. Blood everywhere. The um, I mean it was like...it was like a movie training scenario scene or something. It wasn't...uh, it wasn't like anything that I expected to see. Um, fortunately for me I didn't dwell on that much. Um, my focus was trying to locate the gunman at this point, so I kind of stepped over people. Just moved around to what I needed to do to get to the far end here to back cover this door. Um, it was...I don't know any other way to describe it other than just like a movie scene.

AW: Did...once you was over there in this area, did you hear any gunshots?

[redacted] No.

AW: Okay. So you assisted with um, extracting people from this area where did you go from there?

[redacted] Um, I moved to this door. I located, I remember cause it scared the crap out of me, I...I located two people huddled behind this little couch here. Uh, and then I moved through this door uh, to this bar where Lieutenant Smith and the other guys had taken cover behind the bar there.

AW: Okay put each ones initials and where they was positioned at?

[redacted] Um.

AW: To the best of your recollection.

[redacted] All I can remember really is, Scott was here, I was here...um, there were two victims on the floor right here next to me. Um, and I believe Officer Florin and Ben Chisari were somewhere in this ballpark too. Um, and I believe Napolitano moved his way in and took somewhere on this bar as well. I'm not a hundred percent sure where he was.

AW: Okay. I should have...

[redacted] I can put...

AW: Okay so from this point uh, did you hear any gunshots?

[redacted] No we heard no gunshots at that point.

AW: Okay. So ya'll pretty much just maintained cover watching this...

[redacted] Yeah we held behind the bar. Um, and this was the same hallway where the two bathrooms were. Um, that we were...that we were focused on.

AW: Okay. I know you identified prior to seeing the diagram one as the north restroom and the south restroom.

[redacted] Um, um.

AW: Which one?

[redacted] This would be the north restroom; this would be the south restroom.

AW: Right an s and n. Okay. So from this point, what…what significant um, occurred?

[redacted] Well as we are here, um, I'm covering the north bathroom door, which is closed. And Lieutenant Smith is covering the south bathroom door, which is open, just like it s in the diagram there. Um, and from this um, doorway is where is see the subject standing who is not saying anything to us, not showing his hands. Um, cutting, slicing the pie, or peeking around that corner um, towards our direction looking at us. Uh, and that's when Lieutenant Smith identified us as the police, told him to show his hands a couple of times. And subject didn't do so.

AW: Did you see his full body or…

[redacted] No.

AW: …what part…

[redacted] My view from where I was just very, just inches of the person standing up. I couldn't see the body at all.

AW: And you was able to determine that it was a light skinned male?

[redacted] Yes.

AW: Okay so when he failed to comply to commands, you say you fired?

[redacted] I did. We believed that that was going to be the shooter that was coming out at us. And um, I fired one round um, which I saw where it impacted. It impacted just on a glass mirror just on the side of the door…or just to the side of the hallway door, or hallway opening.

AW: Okay. And you said that Lieutenant Smith fired rounds?

[redacted] He did.

AW: Okay did anyone else to your knowledge?

[redacted] No.

AW: Okay. And you said what was unique about this subject was he was standing?

[redacted] Correct.

AW: And everybody else was low to the ground?

[redacted] That was the...that's what was different than anybody else in this club was that everybody else was either crying, had their hands out. Anybody that encountered us that we saw, these people that I encountered behind the couch immediately showed their hands. Compliant with everything that we said. Everybody that popped up behind this bar, cause when we came in this door, several people slowly started to stand up. Everybody had their hands up. The subject that came out of this door did not listen to anything we say. Didn't say anything to us. Did not show his hands. Just...it...it took a...he was taking, he was using tactics against us that we believe um to slice around to gain an advantage on us. Um, and it stood out to me that he was standing versus crawling or kneeling or anything else, like everybody else in this club was doing. This person was standing full height like anybody else would be.

AW: Okay.

[redacted] I mean like...like we were um, any other victim or...um, person that was hiding in there, everybody else was on the floor. Every other person we pulled out was crawling on the floor trying to...to stay covered basically.

AW: Did the subject say anything at that point? Did you hear him make any comments or?

[redacted] Not at all.

AW: Okay. So once you fired your rounds did he stay where he was at or did he...

[redacted] No the person retreated back in the bathroom and never said anything else again.

AW: Okay so from this point where...how long, where did you go from that...from that location?

[redacted] Um, we were there for I...I don't even know a couple of minutes probably. Um, it seemed like a short period of time like this entire incident did. But I'm sure we were there for a little longer than that. Um, eventually we backed out and we took a position of cover where I was on um, kind of on this door...doorway right here in the reception area where I could still see this hallway but not the doors. Um, gave us a little bit more distance because of the threat of the bombs. Um and...and the shooter. So we...we were staged in that area there.

AW: Okay so your entire team or just you?

[redacted] Uh, everybody got out of there.

AW: Okay so ya'll went from the west bar to the reception area?

[redacted] Correct. We...we eventually were able to. I believe...I believe at some point these doors were open as well and they were able to provide us cover once we were able to backtrack through and come back to that location to get distance from that. Um, because this is the area, this is the door where, when the person came crawling out, I sent him to this double doors where they were snatched up the…the other officers.

AW: Okay.

[redacted] But…but from this area you can't see that door.

AW: Okay. So from this area where did you go?

[redacted] Um, from here I covered this row for a lengthy period of time. Um, and eventually when more of the SWAT guys arrived in full gear I was relieved from there. I was able to go gear up. And when I came back um, our Bear truck was parked back out in this position here. Um, and I kind of rotated through and took position in the back of the truck to cover um, basically through these doors um, back onto that hallway.

AW: Okay. I know what you meant by "geared up" but you left there and you went?

[redacted] Um, I went back out through the window and back out on Orange Avenue, big loop around. And walked back over to my truck and got my gear.

AW: Geared up, put on your SWAT tactical uniform?

[redacted] My actually, my heavy SWAT gear yeah.

AW: Did you exchange weapons or…

[redacted] No I…I kept my weapons. I already had my rifle um, so I had…I put on my…my heavy vest, my helmet um, changed out my radio for my headset, put my gloves on but I still had Sig and my rifle.

AW: What rifle? What was the?

[redacted] Uh, it's a Sig uh, I think its M400 Rifle.

AW: And how many magazines did you have for the rifle?

[redacted] Um, initially when I went in I had the one in the rifle and one additional one. Um when I went back with my heavy gear I believe I had two additional rifle mags on my vest.

AW: So we're looking at probably…

[redacted] Three…I would have a total of four magazines for the entire incident is what I had.

AW: Um, are they full to capacity?

[redacted] Yes.

AW: And what's…what's…

[redacted] Twenty-eight is what I carry in them.

AW: Okay. Okay. I'm sorry now, once you…once you was able to um, dress in your SWAT uniform where did you go from there?

[redacted] Uh, once I geared back up like I said I came back over here and was basically kind of in the open area of um, and positioned behind the truck which was basically covering into these double doors. Um, so we just kind of worked in this area trying to determine where people were, just still try to get a better layout and continue with the plan to get the hostages out.

AW: Okay. So once ya'll made that determination um, where did you go from there?

[redacted] Um, once we set up the truck with the ram, it was on Ester, the truck was moved back over here to this uh, this side of the building where the bathrooms were. Um, (inaudible) of the time I guess other officers um, other SWAT guys were able to clear the rest of the building. Um, this is the area where I staged the gas uh, to deploy the gas from the truck or on the truck. Um, we attempted to do the explosive breach. I was over in this area that entire time.

AW: Okay. So is this considered the west side?

[redacted] It is.

AW: Of the building. Okay. Okay I'm going to have you keep going.

[redacted] Yeah that was it…this is marked…

AW: Okay so you said that the uh, the Bearcat actually, well you…the SWAT team they breached the door?

[redacted] The explosive breach was placed here on the hallway. Um, and when that did not go off the truck was used or when it didn't penetrate the wall um, or make a big enough hole basically. The truck was used I believe initially um, and we made that hole. From there we could see that we were in the hallway and we were between the two bathroom doors. Uh…

AW: Let me get you to make a one there for the…

[redacted] Okay. Um, then the truck was moved to the south um, and punched holes in the southern bathroom wall. Um, the…this is where we were pulling victims out, the initial victims out from the…from those holes uh, where Officer Stanley and I were.

AW: So that would be the second hole?

[redacted] I believe so yes.

AW: Okay. Okay so once ya'll was able to pull victims from this area…

[redacted] Um, um. While we were doing that um, is when the subject began to shoot again in the northern bathroom. Um, as we were pulling the…the final victim out of the bathroom here. Um, as he did that and he engaged us, I had to move out to my left and I fired through the…the larger initial breach hole that we did um, at the suspect.

AW: So you fired through hole number one?

[redacted] Correct.

AW: What's labeled on this?

[redacted] Yeah the bigger hole.

AW: Okay.

[redacted] That's the larger hole. Um, I want…I think there was four holes, total in the wall. I believe and I think the other two are both in the northern bathroom.

AW: Okay.

[redacted] Um, I believe I don't know that's just from pictures I've seen after the incident but…uh, once the…the suspect was down we moved over and began to breach that northern bathroom with the truck, um where we got the victims out. Um, I remained in this area and is where I was to direct the patrol officers that were from the southern end. Um, eventually we made them go real wide around so we didn't cross the hole because of the threat of the…the explosives still. Um, several victims were taken north. A couple of them were taken south. Um, once we got everybody out we turned it all over to EOD.

AW: Okay so at some point there was another hole over here?

[redacted] Yeah I believe there was two holes that were placed in this wall.

AW: Okay. Um, once you assisted with that, did that pretty much end your involvement?

[redacted] Yeah once the scene was turned over to EOD our whole entire group was pulled off to the side and that was our end of it.

AW: Uh, do you remember how many rounds you fired?

[redacted] Uh, no from…I know I fired one inside and from information afterwards, I believe I fired two or three rounds. I know I didn't fire a lot. Um, but I believe it was two or three rounds that I fired when I was outside.

AW: Okay when you was at the bar area um, how far would you say you was from that individual, the suspect, you saw who was assessing your area?

[redacted] Um…

AW: An estimate?

[redacted] I don't...I know they were in the doorframe I don't know. I know it's a very short uh, it was a short hallway. It seems like maybe five to 10 yards looking back. But I don't know an exact distance. A lot closer than I would want to be.

AW: Okay. I know what DD stands for.

[redacted] Um, um.

AW: You said that ya'll deployed two DD rounds?

[redacted] There were two distractionary devices that were deployed in the hole um, as a means to distract um, the subject as we were attempting to make entry.

AW: Okay. And you said that the suspect came out and once ya'll was on the farther, exterior of the west side wall, uh, he was firing round?

[redacted] Yes he was.

AW: Did anyone get struck? Did he hit anyone with any round?

[redacted] Uh, Offic...at that time I did not know, uh, but Officer Napolitano was struck in the head in the helmet.

AW: Okay.

CB: No.

KF: You said you were aware that he had claimed he had some kind of explosive devices.

[redacted] That was information we were receiving on the radio. Um, I never got any, never heard anything from the suspect whatsoever.

KF: Okay

[redacted] There was no dialogue or never heard anything from him.

KF: And did you get relayed any information about him claiming the allegiance for ISIS or anything?

[redacted] We did at some point over the radio. Um, I don't know, I don't recall when that was throughout this entire incident. Um, when I was able to get back out on the truck um, I was given a suspect picture. Um, but none of that was received until after our initial entry into the club. Um, when and I don't recall when that information came over about the...the ISIS stuff or you know, specifically mentioning terrorist activity.

AW: Alright. Uh, what was going through mind throughout this entire incident?

[redacted] Um, first I couldn't believe that it was actually happening here in Orlando. Um, we...we train for it but you know (inaudible) but it was really, it was surreal but making entry my focus was my family for one and two, find the bad guy to make sure he stopped killing more people. Um, it was a...a messed up situation.

AW: Okay and why did you use deadly force?

[redacted] Um, I feared that that was the bad guy who coming out and he was going start shooting more people shooting at us. I was trying to defend myself, my teammates and the other people that were in the...in the building.

AW: Okay. And that's the same the second time you fired as well?

[redacted] Yeah both times.

Unknown: Okay. Anymore questions?

AW: Do you have questions for myself or if there is anything I failed to ask that you think would be pertinent to this investigation?

[redacted] No I don't think so.

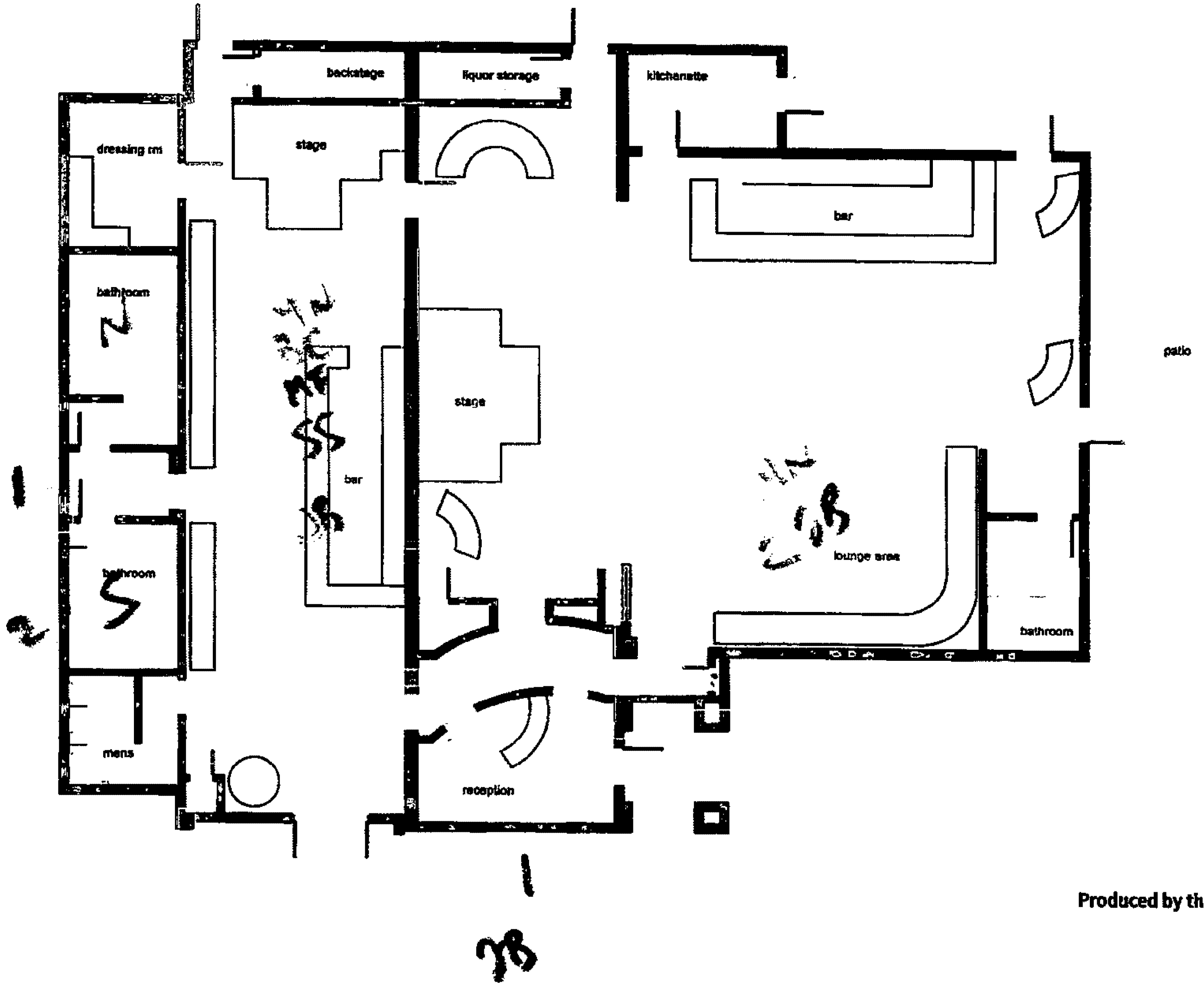
AW: Alright can I get you to initial and...I'm sorry, date and sign...

[redacted] Um, um.

AW: ...each diagram you marked on. (inaudible) alrighty. Well with that said the time is 12:48 we're going to conclude this interview.

/cf **11/8/2016**

Pulse Nightclub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6-17-16

Produced by the FBI Laboratory
16 June 2016

INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**Detective Raul Rivas**
STATEMENT TAKEN BY:	**FDLE Special Agent Craig Beers** **FDLE Special Agent Afonso Williams**
LOCATION TAKEN AT:	**FDLE, Orlando Regional OPS Center** **Orlando, FL**
DATE:	**June 17, 2016**
RE:	**IR16-46**
ALSO PRESENT:	**FBI Special Agent Kevin Farrington** **Attorney Jason Bankowitz**
STATEMENT BEGINNING TIME:	**1314 Hours**

CB: This is Special Agent Craig Beers of the Florida Department of Law Enforcement. Today's date is June 17, 2016. The time is approximately 1:14 p.m. I'm at the Florida Department of Law Enforcement Orlando Regional Operations Center reference FDLE case number OR-27-0258 which is a police use of force investigation that began on June 12, 2016 at the Pulse Nightclub located at 1912 South Orange Avenue in Orlando. I'm conducting an interview of Detective Raul Rivas of the Orlando Police Department. And also conducting the interview with me Special Agent, are Special Agent Afonso Williams with Florida Department of Law Enforcement and FBI Special Agent Kevin Farrington. Also present in the room is Jason Bankowitz which is Detective Raul Rivas' counsel.

Now Rivas for the record I would like to clarify that this is a voluntary statement being given by you as part of the criminal investigation into this shooting incident. And you're not being compelled in any way to provide a statement with us. Any time you want to stop talking or feel you need to stop talking or ask uh, Bankowitz any questions feel free to stop. Do you understand?

RR: Yes sir.

CB: Okay and do you understand that this is voluntary statement for the shooting and not any part of the administration portion of the investigation?

RR: Yes sir.

CB: Okay. Um, can you raise your right hand for me? Do you swear and affirm that everything, that the testimony you are about to provide is the truth, the whole truth and nothing but the truth so help you God?

RR: Yes sir.

CB: Alright prior to this interview have you reviewed any audio or video regarding this incident, audio or video?

RR: The news.

CB: Just the news?

RR: Yeah.

CB: So have you…did you see any videos on the news or anything like that?

RR: Uh…

CB: That the news posted?

RR: Of the…I think I saw the one it was a dark screen and bunch of shots being fired. Uh…

CB: Okay.

RR: Well I….actually two…two clips of that. The shots being fired where they showed the police lights and some shots being fired and there was the bad guy shooting and uh, another dark screen with uh, I believe us shooting.

CB: Okay.

RR: Yeah.

CB: Okay just to…have you watched body cam…

RR: No.

CB: …or anything like that?

RR: No sir.

CB: Okay, alright. So how long have you been employed with Orlando Police Department?

RR: Uh, over 23 years.

CB: Twenty-three years?

RR: Yes sir.

CB: Okay and what's your current duty as a…with the agency right now?

RR: I'm a fugitive investigator attached to the marshals.

CB: Okay so on the night of June 12, 2016, what were your duties that night?

RR: Uh, I'm also a member of the SWAT team and we were called out for an active shooter incident happening at the Pulse Nightclub.

CB: Okay. Um, so you were called for this active shooter. What…what were you wearing that night?

RR: Uh, full SWAT uniform, multi-cam pants, shirt, heavy hit vest, helmet, boots.

CB: Any insignia on there?

RR: Yes it had POLICE on the front and the back.

CB: Okay. Duty belt?

RR: Yes sir.

CB: Okay. What weapon were…were you carrying that night? Or weapons?

RR: Uh, I had my Sig Sauer P226 .357 caliber and also my M4.

CB: Okay how many rounds did you have for your Sig?

RR: In the Sig…

CB: And magazines?

RR: Right. Twelve, twelve and I think eleven and twelve. So I had four magazines.

CB: Four magazines?

RR: Yeah.

CB: And they were all topped off, the magazines?

RR: I think one may have had 11 I think, yes. I can't remember. I think one may have had 11, that's why I said that (inaudible) yeah.

CB: Okay. Um, and know…you said it was a .357?

RR: Yes.

CB: How many rounds capacity are your magazines?

RR: Twelve.

CB: Twelve each.

RR: Yeah.

CB: Okay um, the M4 what...how many mags did you have on you?

RR: Four.

CB: Four and then where were filled at?

RR: Twenty-six.

CB: Twenty-six each?

RR: Um, um.

CB: Um, the one in the actual firearm itself, that was also twenty-six?

RR: Yeah.

CB: Okay. Alright um, and what did you drive to the scene? What did you show up there in vehicle wise?

RR: GMC Terrain my police vehicle.

CB: Okay. Any insignia outside or is it marked?

RR: Excuse me, no it's an unmarked vehicle.

CB: Unmarked, okay.

RR: Very dark tinted windows.

CB: Okay. Alright so uh, you were called for this active shooter and if you can walk me through what happened.

RR: Uh. Parked on Ester and just to the east of Orange Avenue, I don't know what the name of the street is there. But uh, walked from there, I didn't realize, there was some confusion as to where we were going to meet the SWAT team so um, while I knew where Pulse I didn't know that Ester was the street right up against Pulse. So I kind of rode right by it, didn't realize where I, you know where it was. So uh, but I kept going to the east of Orange Avenue um, and walked back. Excuse me I caught ride back by the Bearcat. Um, as soon as I got there, this is the south side right here right?

CB: Um, yes.

RR: This is south.

CB: And this is (inaudible).

RR: This is south right here. Bearcat was pulled in right here.

CB: Okay.

RR: Uh, Bearcat was…was pulled in right here, if you will. Something to this manner here and…and I can't say exactly, the exact angle but it was facing this way. I remember we were trying to put the lights in there.

CB: Okay.

RR: Uh, and I took a position right here. I was here with uh, another…another operator, [redacted] [redacted] and we were…we had the gun in here; we were told that the bad guy had went down this hallway. And again with angle we could see the hallway, we just, you know couldn't see the doors cause it's a bad angle there.

CB: Okay.

RR: And uh, that that was my first initial spot that I took. And tried to move around to get better angles but we ended up kind of…ended up here. Cause uh, I want to say the vehicle was kind of over a little bit and we just have no angle this way but we had some kind of angle on this side.

CB: Okay. Alright so if you can mark where you positioned at that time, holding cover?

RR: Uh, right in here somewhere.

CB: And you said somebody was next to you?

RR: Yeah [redacted] [redacted] we were…were were…

CB: Okay.

RR: …relieving one another so you stay for a few minutes and then he'd come in you know, cause again that's when we got there and it's kind of what we were doing for a while on our own we were there for a little bit.

CB: Okay. So the initial information you get, what do you actually get told before you come out to this active shooter?

RR: Uh, just active shooter was on the text that we got.

CB: Okay.

RR: Um, I'm listening to the radio out there uh, it's not making a lot of sense to me you know. Just everybody and its sounding uh, if you will, sounded normal to me. What I mean by normal just how like a barricaded type of thing to me. When I get on the radio that's probably, I figured I turned it...I got the text about 2 whatever time it was, 2:15 or something like that. Um, I'm probably on the radio by 2:30, 2:40. Uh, and it sounds like a barricaded type deal to me. I don't...you know people are setting up and...uh, I remember hearing somebody call out that they wanted EOD there, that was a...that was different.

CB: Okay.

RR: We don't normally call for them. I didn't know what the purpose of that was. But so be it, I'm driving. Uh, when I get there uh, there's some blood here, it was like...it was like a valet stand that's right in here. And there's some...a pool of blood there, I remember seeing that. Uh, didn't really strike me funny. Um, you know its blood. Uh, Andrew Bishop is over here as well.

CB: Okay.

RR: Um, and he uh, uh, he walks me around the um, he walks me around here and tells me take a look inside so I could see what's going on. Um, that's when I saw all the bodies everywhere in the club. I...I uh, this...I think it was a window, it was broken.

CB: Okay.

RR: Um, we went around here and in this door right here. Uh, as soon as we went in there was...there was a body somewhere in here. I don't remember if it was at this doorway or this one right here. I don't recall. But uh, I remember going in here and you know, just seeing bodies everywhere. Uh, there were guys um, over here I think trying to get an angle this way. Um, it was...it was somebody, I'm not sure if they were on this side of the wall or this side, I didn't get a good look but there was people over here trying to get an angle that way here. But I don't remember exactly where they were around here. Again I just kind of, focused on there was a bunch of dead bodies here and came back out. And...and resumed my post here.

CB: Okay.

RR: On the truck.

CB: Okay. So during that time you actually walked in through the front door, it appears here?

RR: Yes sir.

CB: Made your way through the main dance floor area?

RR: Yes sir.

CB: And you observed, were these officers posted at the door?

RR: Yeah SWAT guys were over here yes sir.

CB: (inaudible) okay.

RR: And again they were trying to get some type of an angle (inaudible) up in here.

CB: Okay.

RR: Again from the intel that we had that the bad guy was back in here somewhere.

CB: Okay. Alright and then you come back out and you post back at the Bearcat?

RR: Yes sir, yes sir.

CB: Alright what happens next?

RR: Uh, some repositioning happens. Uh, and then we uh, we…we back out a little bit. Um, and what I mean by back out we just get…get some distance out here and the Bearcat actually comes off and there's some cars on the street here. We end up taking position on the cars. Uh, again just getting an angle in here. So we no longer had this angle right here. Uh, I believe that's…that this is when; we may have backed out because we heard the information about some bomb vests.

CB: Okay.

RR: Possibly him putting bomb vests on people and walking them out. So I think the decision was made to back out like we did. So now we're just…you know, we're waiting on people to walk out with bomb vests. Uh, so again there's a car right here almost directly on here, parked on the street there.

CB: Okay.

RR: And so we're at an angle, distance to this doorway right now. Uh, um…

CB: Who's there posted with you on the cover?

RR: [redacted]

CB: Okay.

RR: [redacted] and [redacted]. So we were doing two…two guns up, two guys resting, two guns, I mean just rotating that way.

CB: Um, um.

RR: Um, then uh, some guys go around the back and then they're doing…you know we hear about a…on the radio hearing about explosive breach. Uh, you know and they're setting that up, setting that up. Um, we're sitting here, we're waiting and uh, we hear the…an explosion and then we hear it didn't work quite as well as they thought it was going to work. Uh, uh, then they using the Bearcat I believe in there…in there. I don't see this but you can…you can kind of hear things going on back there.

CB: Okay.

RR: Uh, then they called for help, they needed more people back there. [redacted] was, me and him we were the ones (inaudible) on that side of the vehicle. He was...his gun was up there when they asked for help. Uh, Sergeant [redacted] and I shot around the back. Um, that's when I saw that we went into the south bathroom right here. Um, they were...they were, they made a huge hole and they're grabbing people out. Uh, I'm...I'm...I'm kind of back here right now.

CB: Okay.

RR: Because we have officers back here. Um, across the street. And so I'm trying to be like a midway point cause people were waiting to shoot out to everywhere. So I'm trying to be a midway point for them to come to me and then dish them off to the next officers again right across the street here. Who had...you know, moved up a little bit. So we kind of were trying to make some type of uh, alleyway here for the victims to come out. So stood there just...just shuttling people the best we could. Um, when that gets done, I noticed then...I see there's two holes when I go back there, but I don't know the significance and where...except we have a bathroom here.

CB: Okay.

RR: Uh, I then come up and I...I don't know 10 or 15 feet away there's a hole right here. There's a big hole right there.

CB: Okay.

RR: And you could see this door is closed. Um, and you know I'm in here somewhere. Uh, you know somewhere in this angle right here. And now I'm covering down on that door. Uh, and again the other hole where the people were at, it...it was close. It was...I'm not sure if it was here or here. But it was somewhere in...in this wall right here is where the other hole was.

CB: Okay.

RR: When they got all the people out. Um, am I doing okay...

CB: No that's fine, take your time. As detailed as possible you're doing great.

RR: Uh, so I'm right here um, and then there's other guys that are here as well. Um, the Bearcat is back here somewhere. (inaudible) it was off to my left. I don't know exactly where it was at the time. I know it was there, I just don't know if it was how close it was. It was there though.

CB: Okay.

RR: Uh, when we're sitting here, um, and getting these people out uh, we start hearing shooting inside here. Um, five shots. Uh, I remember wanting to go um, in. But there was just, there's just no way um, to do it. Without just completely sacrificing you know, somebody. Um, cause, you know, the hole was uh, I don't know if it was two feet up in the air but it was a hole. And you could through it but there was no way to just walk through, you had to kind of climb through it and it wasn't...it wasn't huge gapping this way but um, anyway uh, we're hearing the shots, hearing the shots. Um, I don't...I'm in plain...I'm not sure if we were, if they gave the order right then to start like punching holes into the...into the bathroom here with the Bearcat right then. Or was it just before then or right at...but I remember that happening and also the...the uh, when the shots start firing uh, it was almost immediately after the two flash bangs that we threw in...in here uh, I couldn't tell you who threw them but uh, um, two flash bangs were thrown in here. I know that's distraction we need to do something to get that guy to hopefully focus on us. Um, and...and again in that time frame, right in there, you know the Bearcat came over here and started punching holes over here um, with the...with the ram. Uh, it gets quiet for you know a second or two and then the door opens up and he comes out. Um, I see the muzzle flash, see...see the figure. When the door opens up, it was...it was a flash bang goes off, you know you don't look into the flash bang. So you come back up, I come back up I see the door opening and the flash...the muzzle flash. I focused on the muzzle flash. I saw another one and I started firing. Uh, as...as everybody. Um, and it then stops. Uh, then we stopped. Um, don't see him anymore. Uh, myself and [redacted] come up uh, and he's laying down, his head is towards the north and his feet back towards us. You know, um, again the hole is about two feet that's what we kind of look over and there's a, it's like a battery pack or something between his legs. So I called that out. Uh, my knowledge of bombs is very minimal. So I didn't know if that was something that we needed to worry about. Uh, anyways so I called that out. And basically I uh, hold here for a second. They continue to start breaching on...making a hole out of here. Somebody else comes up in here holds that. I start helping with the ram, trying to just make the hole bigger so we can get more people out. Um, didn't feel safe going over the body again with this possibly being some type of device. We didn't want to go over that and then through the door to try to get people out that way. So few continued working that...that hole there. Um, we started using the ram trying to, you know; just...just make the hole bigger. We finally did get it big enough and started dragging people out of here. Uh, Tim Stanley jumped in, Sergeant [redacted] jumped in. I want to say a third person jumped in I...it may have been Perales, I'm not sure. Uh, and we drug everybody that...they found everybody they could find in there and uh, we drug them out. The reason I saw drug out is they were having a hard time climbing out. So we...we were just basically grabbing them and yanking them out.

CB: Okay.

RR: Uh, and bring them to safety. Uh, after that um, we backed out. And left everything. I did a mag change after I shot. Um, and so I left my mag I'm not sure where the hell it's at. Uh, and again we backed out, everybody...once we got everybody out we all just backed out.

CB: Okay.

RR: That was it.

CB: Alright so when you see uh, the guy exposes himself and the muzzle flashing from the hole here um...

RR: He...it's a door, he came out the door.

CB: He came out the door?

RR: Yeah.

CB: Okay. Um, when you see that where are you positioned....

RR: Right there.

CB: And you're still positioned at the same area?

RR: I'm right there, yeah.

CB: Keeping the cover on there?

RR: Yeah.

CB: Okay. Um, do you remember how many rounds you fired?

RR: I...seven to ten.

CB: Approximately.

RR: Yeah.

CB: Um, do you remember approximately how close you were and looking at the diagram here, you seem fairly close. Is the distance wise between you and the hole.

RR: I'd say 10 to 15 feet.

CB: (inaudible).

RR: Yeah.

CB: Okay. Alright do you remember who was standing around you?

RR: I know Bishop was there. I know Sergeant [redacted] was there. Um, and I know who shot, but I'm trying to remember who was right next to me. Uh, cause I know [redacted] was...was real close to me. I know Bishop was pretty close to me. Um, EOD guys were off to the right here I believe. Um, yeah I can't...yeah I don't remember exactly who was where (inaudible).

CB: Alright and what, at that point I mean you're seeing muzzle flashing and stuff. Um, were other people firing around you?

RR: Yeah absolutely.

CB: Or were...

RR: Absolutely yes sir.

CB: Alright um, and you said you did a mag change?

RR: Um, um.

CB: Was it a fresh mag that you put in?

RR: Yes, yes.

CB: Was it like a tactical reload thing?

RR: Yeah.

CB: (inaudible)

RR: Well I just dropped that one and put another one up in there.

CB: Okay.

RR: Thinking that…I'd pick it back up but then we backed out, they told us to leave it there. So I didn't even worry about going back to get it.

CB: Okay. Alright. And what was the reason for using deadly force at that time?

RR: Again when he came out uh, I had…I wasn't even sure if Stanley was still in here, he may have been, but when he came out he was firing at us. Uh, and I mean I thought he was going hit one of us, kill one of us. Uh and I was going to stop him.

CB: Alright. Alright.

AW: Yes so when you arrived on scene, the first time you actually heard gunshots was when you was along the west side of the building and you heard approximately four to five coming from the inside?

RR: Yes sir.

AW: Okay. And you…and when the suspect actually uh, was right here at the threshold…

RR: Yes sir.

AW: …of that doorway, you said you saw his muzzle flash. So he was firing rounds at you.

RR: Yes sir.

AW: Did you strike anyone with any rounds to your knowledge?

RR: Uh, he, Officer Napolitano was hit in the helmet.

CB: Okay. So when the suspect was at that threshold, did he say anything while you was on that side of the building?

RR: Uh, while I was over here did I hear him say anything?

AW: Did you ever hear him say anything just…

RR: I…I don't remember hearing him say anything. No I didn't hear anything from…from him.

AW: I don't have anything else.

KF: Did you get…did you get anything relayed to you as far as um, what he had been talking about on the phone, 911 calls or anything?

RR: Um, we…we heard earlier somewhere when I was here, or that he had called 911 and made mentions of allegiance to ISIS or something like that. And then uh, we also heard that uh of course heard what he had done and we heard that he had talked about some bombs and bomb vests, putting that on some of the victims and having them walk out. Uh, that's the only thing I call recall right now.

KF: So um, and you've been on the SWAT team for a long time?

RR: Uh yeah 15 years.

KF: Yeah so based on your knowledge and training and experience when that intel's relayed to you and you've already seen um, you know the amount of casualties there…

RR: Yes sir.

KF: Is it fair to say that at that point your mindset, you know you're dealing with probably somebody beyond, obviously beyond like a…you know a crime of passion, or personal grievance or something like that?

RR: Yeah absolutely sir. Uh, when…when I went in here and looked around, uh, I can't remember where it was now but um, I remember somebody pointing out that there was a magazine and it was…I only saw one but there was a few of them in there. And that would have relayed to me again, that further lets me know that this is…this is not a crime passion. In my years of being a robbery detective, you know this was calculated. He went in there and knew what he was doing. You know, had enough sense to change the mags, move through the building, killing several people. Uh, I mean a crime of passion, but that doesn't fit a crime of passion.

KF: No. Alright.

CB: Anything else?

KF: No.

CB: Is there anything, sign and date your picture that you drew on. Is there anything we didn't ask you that you think might be relevant to this?

RR: I got…I went through the whole thing, that's it. Uh, today's date?

CB: 17th.

RR: 17th?

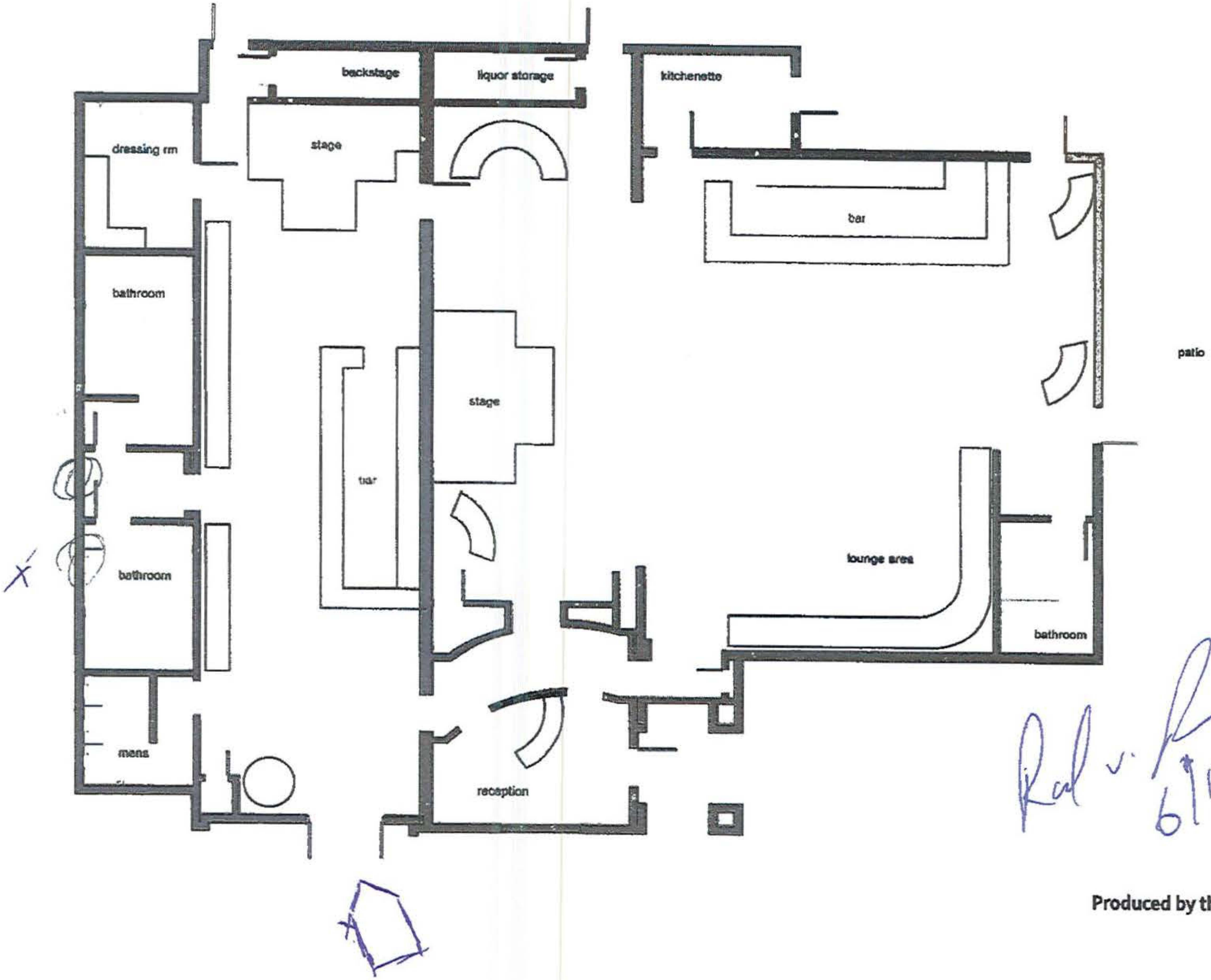
KF: Yes.

RR: Thanks.

CB: This concludes the interview at 1:38 p.m.

/cf **11/9/2016**

Pulse Nightclub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6/17/16

Produced by the FBI Laboratory
16 June 2016

INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**Agent [redacted]**
STATEMENT TAKEN BY:	**FDLE Special Agent Afonso Williams** **FDLE Special Agent Craig Beers**
LOCATION TAKEN AT:	**FDLE, Orlando Regional Ops Center** **Orlando, FL**
DATE:	**June 17, 2016**
RE:	**IR16-46**
ALSO PRESENT:	**FBI Special Agent [redacted] Farrington** **Attorney Jason Bankowitz**
STATEMENT BEGINNING TIME:	**1341 Hours**

AW: We're on tape. This is Special Agent Afonso Williams of the Florida Department of Law Enforcement. Today's date is June 17, 2016. Time is approximately 1341 hours. I am at FDLE, Orlando Regional Operations Center reference to FDLE case number OR-27-0258 which is a police use of force investigation that occurred on June 12, 2016 at the Pulse Nightclub located at 1912 South Orange Avenue. I'm conducting an interview with Officer [redacted]

[redacted] Yes sir.

AW: Okay. Of the Orlando Police Department. Uh, also conducting the interview with me is FDLE Special Agent Craig Beers and FBI Special Agent Kevin Farrington. Also present in the room is Jason Bankowitz, Officer [redacted] attorney.

Um, just for the record I would like to clarify that this is a voluntary statement being given as part of a criminal investigation into the shooting incident and not...and you are not being compelled in any way to provide a statement, do you understand?

[redacted] Yes sir.

AW: Any time during these proceedings if you don't want to talk let me know and I'll turn off the recorder and you're free to leave.

[redacted] Okay.

AW: Alright. Do you understand that this is a voluntary statement being taken as part of a criminal investigation and is not, I repeat not an Internal Affairs administrative statement?

[redacted] Yes sir I understand.

AW: Okay. With that said can I get you to raise your right hand?

[redacted] Sure.

AW: Do you swear and affirm that the testimony you are about to provide is the truth, the whole truth and nothing but the truth so help you God?

[redacted] I do.

AW: Okay. Before I get started go like this "breath (deep breath)".

[redacted] (deep breath)

AW: There you go one more time.

[redacted] (deep breath)

AW: There you go.

[redacted] (laughs)

AW: Alright um, prior to this interview did you have an opportunity to review any type of video or hear any recordings as it relates to this incident?

[redacted] No recording but there's already all kind of video all over social media and stuff so.

AW: Okay so…

[redacted] I'll be honest enough to tell you that I've seen, but all…the only video that I've seen on social media is…is all you hear is the gunfire. I mean it's not like you can actually see anything. All you hear is a bunch yelling and gunfire and then it's done.

AW: Okay. So other than social media uh, you didn't hear any/ see any video, body cam video or anything of that nature?

[redacted] No sir nor am I aware that there is any.

AW: Okay. Okay how long you been employed by OPD?

[redacted] Just about twenty-two years.

AW: And on the date of the shooting were you performing your duties as a police officer?

[redacted] Yes sir.

AW: Okay and what were you assigned to… (inaudible)?

[redacted] Well I mean I was at home at the time. But my primary assignment is Metropolitan Bureau of Investigation.

AW: And you're also assigned to the SWAT team?

[redacted] The, yeah that is correct.

AW: Okay. Okay so when you did respond to the scene what uniform were you wearing?

[redacted] Our multi-cam fatigues.

AW: So it would be your SWAT tactical uniform?

[redacted] Yes sir.

AW: What weapon were you carrying or weapons?

[redacted] Uh, I had my…my issued Sig Sauer pistol, thigh rig, um, and then my…my rifle is a Sig uh, 5.56 or .223 tactical rifle.

AW: And the pistol that you had was it a 9 or .357?

[redacted] It's the…SWAT is issued the .357 caliber.

AW: Okay for the SIG .357, how many magazines did you have?

[redacted] Uh, one in the magazine, excuse me, one in the magazine well and then two additional on my vest.

AW: Okay. And how many rounds you had in each?

[redacted] Uh, twelve.

AW: Did you have one in the chamber?

[redacted] Of course.

AW: That'll be twelve plus one?

[redacted] Probably 11 plus 1 if I had to remember correctly.

AW: Okay and how many magazines you had for the .223?

[redacted] Obviously I had one…one in my weapon. And then I believe I had five additional.

AW: How many rounds in each mag?

[redacted] I generally carry between 25 and 27 rounds per magazine. And that's only because um, during an administrative reload uh, often times if you carry 30 rounds in the magazine, it won't seat in the rifle if the barrel is forward.

AW: Okay so anywhere between...

[redacted] Actually not the barrel but if the uh, if the uh, you guys know what I'm saying.

CB: Bolt.

[redacted] I apologize the bolt...

CB: That's fine.

[redacted] ...the bolt is forward it won't seat.

AW: Okay so anywhere between 25 and 27 rounds?

[redacted] Yes sir that's correct.

AW: Just to go back in the beginning. It's Agent [redacted] correct?

[redacted] Yes sir but I mean that's...there's nothing about sexy about that title. It really doesn't mean anything.

AW: Okay.

[redacted] It's not a promotion or nothing you know what I mean and so its...

AW: Just want to make sure I get it right.

[redacted] You're not going to hurt my feelings either way so don't worry about that.

AW: Alright. Alright how...how did you become involved in this incident?

[redacted] Just by receiving the initial call out. I mean I was home asleep and I got the initial call out. I get all my pages through my phone. To respond based on an active shooter.

AW: Okay so what I'm going to do is I'm...now it's your time. I'm going to turn it over to you and from uh, from start to the end.

[redacted] Okay. I got the call out between 2:00 and 2:30 in the morning. Um, I got up and my first...my initial reaction is you know, who in the world would want to shoot up a gay club. So my...my initial thought was there was an incident that started somewhere else that ended up there. That's what I honestly thought. And then uh, as I was getting my things together um, downstairs, my dad called who was also a police officer with Orlando and he asked me if I gotten called yet. Gotten called out yet. And I got 'Yeah "and I said "well what's going on". He goes hey, he said "son it's real bad". And I said "well what do you mean". He goes "there's a guy in there and he's shooting and"...um, he goes "you've got multiple people down". And um, he goes "it's legit" he goes "this isn't some BS thing I'm just letting you know it's real bad". So I said okay um, then of course I just...that made me really rush to get there.

Um, we uh, you know met with some other SWAT guys off of Ester and Baylaria and that's where we ended parking. And then um, we jumped on the APC and me and my partner at the time, Agent [redacted], um, and a couple of other guys, younger guys, were told to go to the northwest corner of the nightclub.

AW: This one right here is a diagram of the facility are you...I'm going to let you get acclimated to it and see if you ...

[redacted] Well obviously this is where everything took place. So my partner and I initially were posted up here along with two other SWAT officers, Ricardo Duenas and uh, Michael Napolitano. And it was just basically to...to cover this particular area of the um, of the building. Um, what is missing though is...is there's...there was a hallway back here.

CB: You can mark it up.

[redacted] Oh it is, okay. There is a...there was a long hallway back here that went the whole length. Um, because I mean obviously we...we had...uh, at the...the first, one of the first things that we did um, myself, my partner Agent Jon Cute and then Officer Tim Stanley um, we, I covered Tim and I believe [redacted] I covered them. I covered long um, they actually went in here and we were able to recover uh, four or five individuals. And I don't know if they came from here or they were on stage somewhere. My...my...I'm inclined to say it was from back here. But we definitely brought them out this way. And then back out here.

AW: Okay so you maintained cover here?

[redacted] Correct I was cover...I was covering long while they were able to...to get them out. And then once they were out then of course we backed back out and then just maintained uh, covering that...this part of the building.

AW: Alright let me get you to put your initials here?

[redacted] Sure.

AW: Will show me that you maintained cover there?

[redacted] Um, um.

AW: Okay so once you maintained cover, once ya'll was able to get the individuals out, where did you go from there?

[redacted] We basically backed out and we still maintained cover of the...the west side and northwest part of the building. Um, the next thing we did um, I believe it was Officer Tim Stanley got word that there were individuals um…I'll go ahead and just call them hostages were…were here in this dressing room here. There was a window unit, and um, we were a…with our help and their help, we pushed that window unit in and we were able to resc…I don't remember how many people were rescued out of here. Out of, through this window unit hole.

Um, and again I believe I maintained…I believe I was just…I was just covering here with my rifle while they got…got people out. Uh, and then again once that was done we backed up and of course there was…we were behind a patrol car back around here. Uh, and we were just posted up back here using the patrol car as cover.

And then um, I believe you know, it's…and of course there was some…there some down time cause I mean he would call in and go "Hey I've made my peace with Allah" and all that nonsense. And I don't know how many times he called in. There may have been times he called in where they didn't filter down to us cause maybe it just wasn't pertinent that we needed to know. Um, then where it got, really started to get active is when the time that he made a call…I would assume to 911 and said "hey I've got four bomb vests and I'm putting them on four hostages and I'm going to send the four hostages out". Um, and then at that point the um, I believe it was Sergeant [redacted] and uh, another group of SWAT officers um, came around this way. And then they set up to do an explosive breach on this bathroom. We were kind…by that time we were confident the suspect was in here so we knew there was a bunch of people hiding in here. So the point was to you know, blow a hole in this wall and then to uh, you know to get them out.

Um, I'm sorry…what was I about to cut you off?

AW: No keep going.

[redacted] Okay.

AW: Just trying to…

[redacted] Um, the…they gave a 3-2-1 count the…the explosive charge did go off, it was a failed breach. Um, to…and we got the go ahead to use the Lenco Bearcat, has a ram on it to…to breach the wall. The…the Bearcat actually broke out this wall first here, if I remember correctly in the hallway. Made that real large hole so we could actually see down there and then at that point we were actually able to see the doorway to that opposite bathroom. After that the Bearcat actually hit the area where the breach, or excuse me where the failed breach had occurred with…with the explosives. Uh, made a couple of large holes, made a hole here where the failed breach was and then made another hole next to it. We were able to get uh, people…those people out. Um, got those people out. We…everyone pretty much kind of you know repositioned themselves. Um, there was…there was…there were…there was a team here, um, the APC was approximately, was still and I don't have enough paper cause it wasn't this particularly close, was here. Um, at the time I was right here, covering down. Um, and then it was, then we started hearing shots go off, systematic shots. Um, I…you know thinking back or not really thinking back at the time it didn't seem loud enough to be from a rifle. I honestly thought it was from the pistol that he had and they were pretty much systematic, like pop, pop, pop like he was just executing people is what we believed he was doing. So we called it out that shots were being fired. Um, the order was immediately given to use the APC to…to knock a hole in that bathroom uh, in the…into the uh, to this…excuse me into this bathroom.

Um, I believe the first hole, if I remember correctly was probably around here, uh not too far from the wall. Um, again so the APC ended up being about right here. I believe Lieutenant Bigelow and my partner [redacted], moved over to the left side to…to cover that way. I stayed on the…on the uh, on the passenger side still. And then uh, at that point that's when I believe what probably caused him to come out. He came out uh, firing his AR15. Um, right here…um, the first thing I saw was muzzle flash obviously. I vectored in on…on the muzzle flash. Um, I fired my weapon uh, directly where I, pretty much where I saw the muzzle flash and maybe just a little bit to the left. Cause obviously with the muzzle is, isn't where the body is. So I put my…my aim point which is just a holographic red dot sight just slightly left of the muzzle flash and then that's where I started laying down fire.

And then um, obviously he…I honestly believe that he first began his direction of fire was to my team out this way. And obviously that's probably…that's when Officer Napolitano was hit. And then of course uh, my guys that way, the team that way directed their fire towards him. Um, he went down. I remember it was Lieutenant Scott Smith yelled for everyone to cease fire, which we did. Um, and then it was uh, I believe it was once everyone ceased fire um, Lieutenant Bigelow um, uh and it's just a test to the caliber of…of who he is the…well he was one of the…he's also one of the assistant team commanders, Lieutenant Bigelow said "Hey because of the…the issue of the IED's and the…and I guess he had also made a statement that he had a bomb vest on himself" he said "we don't need this guy, you know, being able to push a button a blow up someone needs to go up there and make sure that this is over". And then Lieutenant Scott Smith, which attests to the caliber of him, being the senior most SWAT officer there uh, said that well he goes "I will take care of it" he went up there with [redacted], [redacted] acted as his cover officer and then Lieutenant Scott Smith put round in his head. Um, just to make sure that there was no issue that we wouldn't have any problems of him blowing anything up. It was a done deal.

And then at that point the uh, the EOD guys from Orange County, they come, they saw something on him. Um, I never saw it. I don't know what it was that they saw. But I know they…I was…I was right there with everybody else and they said "hey this is an active device guy on this…on this fellow; you guys need to back up a 1000 feet". And then that's when the team leader, Sergeant [redacted] said "look we've got people in this bathroom, we won't pull them out of this door, can we pull them out of the hall and get these folks out". Cause we…there was still people, most of them were dead but we knew there were still people alive in here. Um, to which the bomb guy said "yes get them out now". So um, I don't remember who…who went in here. [redacted]…Sergeant [redacted] may have been one of the guys that actually went in here. But um, they were able to get five people out. I believe it was five out. Of course there was at least 10 people already dead. Um, and if I remember correctly they said that he actually used bodies to barricade the door to that bathroom. So once we got uh, those five people out um, we turned the scene over to those bomb guys and then we just made ourselves, uh, we just…we left in this direction and ended up across the street somewhere just safely away from…or far enough away where we thought in case there was a live device.

AW: Okay you mentioned the HPC, that's the Bearcat?

[redacted] The APC, yes sir.

AW: APC, I'm sorry.

[redacted] Some guys will call it an APC, armored personnel carrier; some guys will call it the Bearcat. That's the official name the Lenco Bearcat, Lenco is the manufacturer, the model name is the Bearcat.

AW: Okay. So basically when you arrived on scene you assisted you, Agent [redacted].

[redacted] Yes sir.

AW: Uh, did you mention someone else?

[redacted] And I...well and Tim Stanley was...was over here a lot, uh, yeah doing the same thing that we were doing.

AW: Okay. So when you arrived on scene, you and your fellow SWAT operators rescue...

[redacted] Initially it was people from...from back here, behind this area, that...we went down this hallway. Um, I think it was Tim and [redacted] went in this doorway while I covered outside the long hallway and got these people out.

AW: Would that be the west, I'm sorry the north side?

[redacted] Yes sir it would be the north side. And then second rescue was here in this dressing room after the window unit was pushed into the building. And then the third rescue would be the south bathroom. And then the final one would have been obviously the north bathroom.

AW: Okay. So once you assisted with ...with the rescue you positioned yourself behind a vehicle?

[redacted] Yes sir, yah.

AW: From the far west?

[redacted] Um, um, after...after the first rescue we went back behind the vehicle just to maintain cover and just maintain coverage of this area. And then...and then after this rescue of the dressing room, we went back behind here and just maintained cover waiting for the next set of...the next set of events to occur which would have been the rescue out of this uh, southern bathroom.

AW: Okay. So at some point you heard gunshots from the interior?

[redacted] As soon as we got all the people out of this southern bathroom and we had re...if I remember, if memory serves, we had just reset, that's when we heard the shots ring out. The systematic "pop, pop, pop, pop".

AW: Do you know how many, approximately, shots you heard?

[redacted] Uh, I would imagine about four to five...approximately.

AW: Okay. And from that point you was positioned on the passenger side?

[redacted] Of the APC, yes sir.

AW: Okay. Of the passenger side. You maintained that position until you saw the suspect?

[redacted] Well I never actually saw him, I saw the muzzle flash.

AW: The muzzle flash?

[redacted] Of the uh, of the long gun.

AW: Okay. And then that's when you fired rounds?

[redacted] That is correct.

AW: Do you know how many rounds you fired?

[redacted] I do not.

AW: Okay you...you mentioned and its audio it would not, recording is not picking...you said that once you saw the muzzle flash towards this way. Now what direction would that be?

[redacted] Uh, that would be towards the south.

AW: Okay so you saw the individual, the suspect who was inside, firing towards the south.

[redacted] And I can...I guess I should say I only surmised...I would only surmise that because based on the...his view that would be from that open wall, okay, that we breached. And then when he opens the door, I mean he would have seen flashlights and...and guys and stuff. You know what I mean? So that...I mean there would have been no way for him to see me so that...he was firing at...at those guys. That's why I say that.

AW: So you fired rounds um...

[redacted] Correct.

AW: Um, you're not sure how many?

[redacted] Correct.

AW: Were you the only one firing rounds?

[redacted] Oh, no, no, no. um, I fired here...from here. Obviously my fellow SWAT operators on this side fired in this direction. And then I believe Lieutenant Bigelow fired rounds from that direction into here.

AW: Okay. Did you hear the suspect say anything; did he make any comments while you was in position?

[redacted] No sir.

AW: Or throughout this incident when you was on scene?

[redacted] No sir. And as a matter of fact I mean once it was over, I didn't feel any need to go even go look at him. I never, I didn't.

AW: What was going through your state of mind throughout this entire incident?

[redacted] Um, just that uh, this...this was the real...this was the real thing. I mean it was...it was...it was scary. It was...it was...it was really scary. And I mean it was just the...and was just the totality of the circumstances. We knew they were you know there were bodies left in there. So I mean there was that sense of urgency to get it over with as soon as we could but we had to do in a safe manner. Cause you know, the rules of engagement stay, you know, once...you know, once we arrived there had been no more shots fired. He had barricaded him. We knew he had hostages, you know, so they have to establish that...or at least attempt to establish that line of contact with him. Um, and um, so...um, and the...the, you know, the potential of him sending out hostages with bomb vest, you know that was nerve wracking. Um, and you know you just...I was...I was scared. I was...I was afraid for me and I was afraid for my...for my fellow SWAT...my fellow SWAT officers. Um, you know cause one I didn't know, one I didn't know if the place would blow up. Or two you know, I...I didn't...I knew...I mean we knew in our heart of hearts it was going to end peacefully. You know especially when he's making all this...the terrorist rhetoric with making his peace with Allah and I guess he had um, sworn allegiance to ISIS and all that nonsense and stuff so.

AW: So a lot of information that you was hearing, you was hearing via your portable radio?

[redacted] That is correct sir and our headsets.

AW: Headsets okay um, and why did you use deadly force?

[redacted] Only became he came out shooting first.

CB: Nothing.

KF: The only thing I got, just to summarize and you already pretty much covered it but um, so looking at this situation you said you felt it was the real deal. Um, in the sense that you were dealing with the subject with who had put significant thought into what he was doing. Um, was utilizing tactics and techniques that were beyond um, reasonably associated with like a street level offender correct?

[redacted] Oh yes. And I mean we had three, two or three callouts just prior to this incident. And it was I mean it was totally, totally different. You know and I mean obviously we're all asking the same questions. I mean probably they...they...you guys are asking yourselves or hopefully it will come to light is...cause the guy drove such a long way to here. And it's like I mean I'm sure there's a gay club closer to Port St. Lucie than...than this in Orlando. So it's kind of like well why this place. I mean what was it. So I mean we took it as that he took a lot of thought into it. Obviously knew where he was and I mean cause he inflicted so much damage in such a short amount of time. Um, you know obviously he was...he was skilled with the weapons that he used. So we weren't' dealing with some you know, you know, like the previous two callouts were the carjacked a car and you know fled on foot when his car crashed and barricaded himself in a house. I mean that's...that's one of our garden variety callouts. You know, so...yes that's why.

KF: Thank you.

CB: Anything else?

AW: Do you have any questions for me or if there's anything we failed to ask that you think would be to this investigation?

[redacted] No sir. Well I mean obviously if, I mean if I think of something else I'll reach out to you guys.

AW: Alright.

JB: I got nothing.

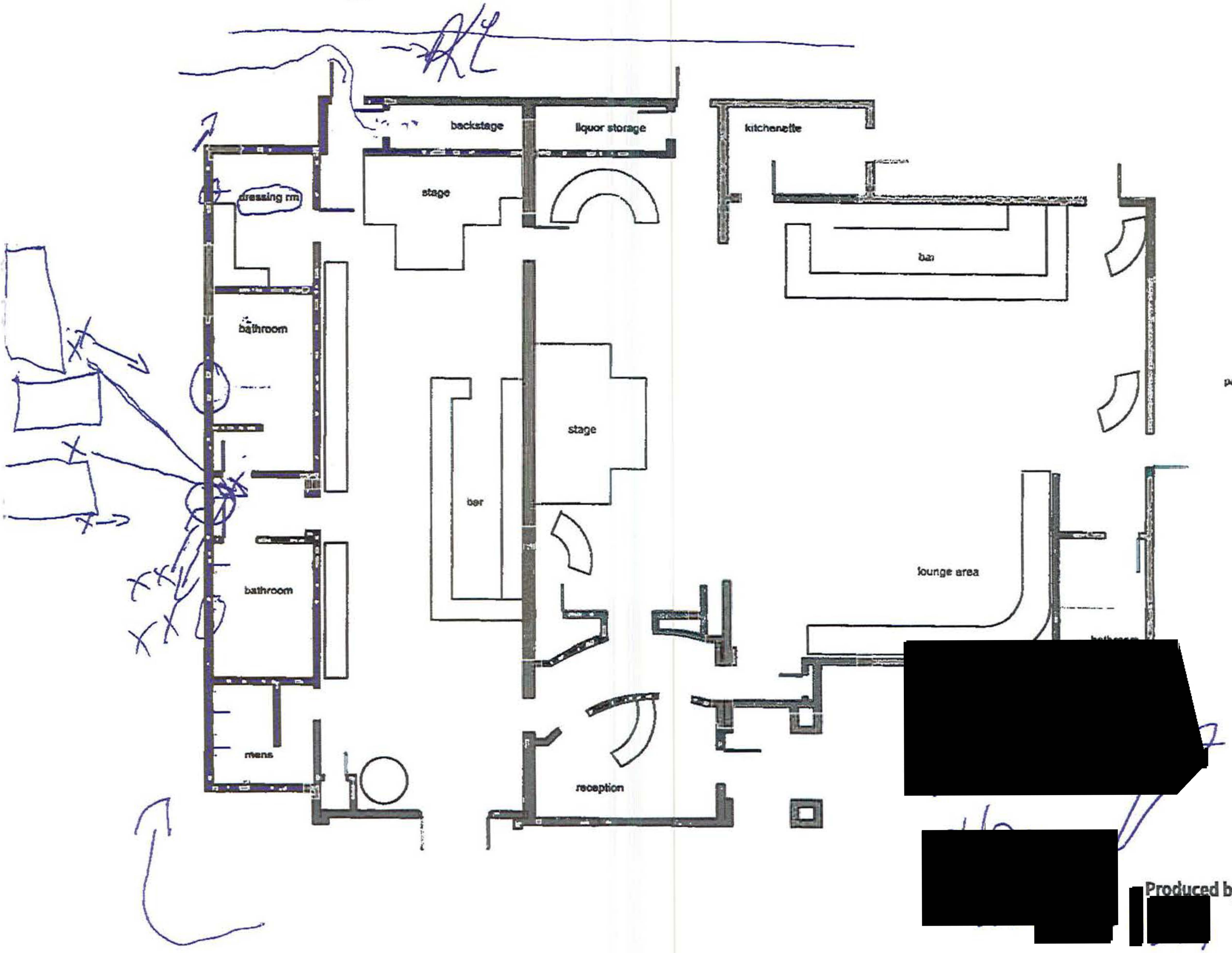
CB: Can you just sign and date.

[redacted] Of course I will.

AW: Alright the time is 1407 we're going to conclude this interview.

/cf **11/9/2016**

Pulse Nightclub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Produced by the FBI Laboratory [redacted]
16 June 2016

INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**Officer Timothy Stanley**
STATEMENT TAKEN BY:	**FDLE Special Agent Craig Beers** **FDLE Special Agent Afonso Williams**
LOCATION TAKEN AT:	**FDLE-Orlando Regional OPS Center** **Orlando, FL**
DATE:	**June 17, 2016**
RE:	**IR16-46**
ALSO PRESENT:	**FBI Special Agent Kevin Farrington**
STATEMENT BEGINNING TIME:	**1416 Hours**

CB: This is Special Agent Craig Beers of the Florida Department of Law Enforcement. Today's date is June 17, 2016. The time is approximately 2:16 p.m. I'm at the Florida Department of Law Enforcement office, or Orlando Regional Operations Center in reference to FDLE case number OR-27-0258 which is a police use of force investigation that began on June 12, 2016 at the Pulse Nightclub located at 1912 South Orange Avenue in Orlando. Also…I'm conducting an interview of Officer…are you…

TS: Officer is fine.

CB: Officer Timothy Stanley of the Orlando Police Department. Conducting the interview with me is are FDLE Agents, Special Agent Afonso Williams of the Florida Department of Law Enforcement and FBI Special Agent Kevin Farrington., also present is Officer Timothy Stanley's counsel, Jason Bankowitz. And Mr. Stanley for the record I would like to clarify that is a voluntary statement being given to you as part of a criminal investigation into the shooting incident and that you're not being compelled in any way to provide a statement. At any time you wish to stop talking and terminate the interview you can feel free to, do you understand?

TS: Yes sir.

CB: Okay. And do you understand that is a voluntary statement into the criminal investigation and has nothing to do with administration part of it?

TS: Yes sir.

CB: Okay. Can you please raise your right hand for me? Do you swear and affirm that um, the testimony you are to provide is the truth, the whole truth, and nothing but the truth so help you God?

TS: Yes sir.

CB: Prior to this interview today have you reviewed any video, body cameras or audio…

TS: No.

CB: …relating to this incident at all?

TS: No.

CB: On June 12, okay. And how long have you been employed with Orlando Police Department?

TS: Just over 18 years.

CB: Okay. And uh, what are your, what's your current assignment now?

TS: I'm in the charge of the Field Training Unit and assigned with SWAT.

CB: Okay. How long have you been with the SWAT Team?

TS: Just over 17 years.

CB: Okay alright in the Field Training Unit what are your duties?

TS: Duties…

CB: (inaudible).

TS: …uh, no from the very initial interview with the Chief of Police all the way till they go solo on the road I'm part of their life.

CB: Okay.

TS: Coordinate, I coordinate who they…who trains them. I do a lot of training with them.

CB: Okay. Alright so on June 12th you were…how do you receive, how do you get involved in this?

TS: Um…

CB: Is it a…

TS: The call out came over the page.

CB: Okay so it was a SWAT callout, okay.

TS: Yeah but um, I was looking for a text, somebody text me "active shooter downtown" so I just started rolling.

CB: Okay. Um…

TS: But I don't know who that was.

CB: Okay. So your…your duties that night was SWAT operator?

TS: SWAT yes.

CB: Okay, alright. Um, the night of June 12th when you were notified for SWAT what was your uniform that you were wearing?

TS: Um, multi-cam uniform.

CB: Okay.

TS: With a combat shirt that has multi-cam sleeves.

CB: All the gear?

TS: Yeah I had…

CB: Duty belt…

TS: The SWAT vest, the helmet um…

CB: And insignia on your…

TS: POLICE yeah.

CB: So okay, alright and what vehicle were you operating?

TS: To drive there?

CB: Yes.

TS: A white Nissan Titan.

CB: Okay marked any…

TS: Unmarked.

CB: Unmarked, okay.

TS: Yeah.

CB: Alright, alright so and the night of the incident what weapons were you carrying?

TS: Um, M4…

CB: Okay.

TS: And my…my Sig Sauer.

CB: And your Sig what caliber is that?

TS: .357.

CB: And how many mags did you have on your person?

TS: Three.

CB: Three and were…how many rounds in each mag?

TS: Fifteen.

CB: Fifteen in each okay.

TS: I'm sorry twelve.

CB: Okay.

TS: Yeah.

CB: And were all the mags topped off?

TS: Yes sir.

CB: Uh, one in the chamber?

TS: Yes sir.

CB: Okay and for your M4 how many mags did you have on your person?

TS: Uh, I started out with six but I lost some during some of the rescues. I lost some of my gear.

CB: Okay. Alright and were your mags topped off? Or how many rounds did you have in each?

TS: Uh, 25 in each.

CB: Um, um.

TS: Yeah.

CB: Was there one in the magazine well of the M4?

TS: Yes there was.

CB: And was that one also 25 rounds?

TS: That's part of the 25, yes.

CB: That's part of it, okay alright. Alright so how did you get involved in this incident that night?

TS: From the…just talk from the beginning?

CB: Yeah start from the beginning and… (inaudible).

TS: Do you have I see you have pictures there and stuff.

CB: Yep got a couple of photographs and the floor layout for Pulse Nightclub (inaudible) Google maps here. Whatever's easier for you to review during…during the details you give. You can mark them up.

TS: Okay.

CB: If it helps you recollect where you were.

TS: Um, I don't need those.

CB: Okay.

TS: And this is looking uh, north here I think.

CB: Yeah that's looking north, this is the south wall.

TS: That's looking, that's the back of the wall.

CB: Yeah that's the back.

TS: Okay.

CB: And then this is the actual floor layout. North being where Pulse Nightclub is written at the top here?

TS: Alright.

CB: So…

TS: Like when…

CB: So if you can…

TS: When I first got there?

CB: …start when you initially got the SWAT callout?

TS: Oh yeah, no I can do that.

CB: And what information you heard or provided for the callout.

TS: Um normally our SWAT team we assemble, get a game plan go from there. But this one here was all self-deployment. Like as you showed up you were just being plugged.

CB: Okay.

TS: Um, I'm one of the team leaders on the team so I was looking for Scott Smith or John Bigelow, [redacted], some of the other team leaders to figure out what's going on. I ran up here in the north side where I met with Scott Smith. Uh, he told me to go inside to check severity and check on these two teams that he had posted here.

CB: Okay.

TS: At the doors to make sure they were locked in. Um, ran there, checked on them, checked on them. Um, then I realized the severity of what we were dealing with. Came back out and there was also a team posted here I believe. I came back to Scott said they're good. Uh, at that time Captain Canty was out here. Um, Captain Canty told me to go check the building, which for me that means; go check the exterior where we can go in, the rooftop, stuff like that, doors. So I did a full circle around the building, exterior. Observed two doors right here that are in an alleyway.

CB: Okay.

TS: Uh, observed an air conditioning unit in the um, this wall right here. Do you want me to label them or…

CB: Yeah if you can mark it up and uh, whatever easier marker or blue pen. Okay…

TS: Came back gave him the report and they were still setting up stuff here. Um, then Captain Canty said…asked if we could breach this door to go see if this doors breaches. And I think that uh, that door is opening the wrong way. I think it opens right to left, out.

CB: Oh it opens out, okay.

TS: Yeah I think it, it opens that way.

CB: Okay.

TS: Um, I'm pretty sure from what I remember. So I ran back there and I had a team over here. I remember uh, [redacted], [redacted] I believe, Perales, Duenas and I told them on me to come up here, we had to check this door. We had to move some uh, there was a Coke machine or something there that we had to haul away to be ready for a team to go in.

CB: Okay.

TS: Went up pulled the door and the frigging door opened. Like it was caught initially but then it popped open that far. Then all of a sudden I heard voices up here to my left whispering "we're right here". Um, I kind of had a general idea of where the bad guy was but we were just…we didn't know if he could punch threw walls at this point. But I knew he was back here. Just stepped in, posted, um, and four guys came out of this room behind me who were taken away. Propped this door open, came running back to Captain, told him we got four out of that uh, north room. Um, I explained some of the other stuff I saw, the bathrooms, just from looking the roof, the pipes. Uh, stuff like that I observed. And that we could…we could penetrate these walls with our…our Bearcat.

CB: Okay.

TS: So he wanted me to get a team to start putting the Bearcat ram together, start staging that. Um, then I was asking where the owner of the place was cause when I was running through the building I was looking for a fire plan, escape plan, which I couldn't find, like to give us a layout.

CB: Um, um.

TS: So then I had to run over this way, got the owner, met with him. We're coming back, um, and he's on the phone the whole time. We get back here and I bring him…pretty much this view right here. Right here and I'm having him explain the rooms, what's where in the back of the building. How…how it's laid out. I had a just a…a wet piece of paper, cause I was sweating, trying to draw this layout. And then finally I was like "who are you on the phone with; you need to listen to me". And he said his employee I said "well you can talk to your employee later". And he said "well they're inside", "give me the phone". So he gave me the phone, I'm talking to this guy. Um, his name is Michael. Um, so Michael says "I heard you when you came inside". Um, you know, thank God that it was me that went through that door cause all of a sudden I'm like, cause he said, you…you just left here. I heard you, whatever their names were say whoever.

So I go running back to Captain, I said "I think I know exactly where they are. He said he has eight people in there". I said I can get a team we…we can save these eight. Um, and Captain just "do it. Just try not to get banged up' he said. Um, so as I'm running back around, you can't see the A/C is this picture. I…I stop and all of sudden I see the A/C unit in the wall. It's probably uh, this height right here.

CB: Yeah.

TS: Um, I stopped and I'm still talking to Mike, I got the same team on me to help me right here. I'm like "hey is there a window A/C unit in your wall". He said yes. So I went up and I just tapped on it. I said "do you hear that" "yes". Um, gave him instructions that I was going to push it in. But they…they had to catch it and like lower it quietly cause um, I didn't want shots flying through. So he…I listened to him giving them the instructions and then he says uh, "we have one person that's going to fit through the hole:" I said "we will get them through the hole". And that happens and the big one comes through first. You know and I was talking to him saying that whoever's the healthiest go last because they had to help each other to come out and pull them out of this hole.

By this time I know they're working the robot. We're…I'm running back to the Captain, telling we got eight more. Um, now the Captain's on his way to the command post. We're getting the words of uh, suicide vest, 15 minute countdown. Um, he's…and we were getting reports that somebody was texting us from the inside. Not the bad guy. Um, so Captain goes, EOD guys show up. "Hey can blow holes through this wall" "yeah we can do it" they're getting their charges ready. The initial plan from what I understand was to go attack him if it went active, if he starts shooting again.

CB: Um, um

TS: But this whole time I'm talking, this guy didn't do nothing until the very end, which we'll get to. Um, so the explosions come in, which changed that plan. So now uh, Captain Canty and I know Chief Mina were like "save as many as you can". And that plan came down to go after this bathroom.

Uh, went up, they put the breach on, uh, it failed and then immediately was our Bearcat coming, cause we were already staged for that, ready for it. And for some reason we breached in this hallway thinking it was this bathroom.

CB: If you can just mark it?

TS: Just one, put number one?

CB: Yeah that's perfect.

TS: You don't have a picture of like the holes or nothing right?

CB: No.

TS: Alright. And to our luck, the um, that hole ended up saving more lives; it was just how it worked out. Breach there and that makes like a door size hole. Um, Scott recognizes where we are cause he was inside here initially. And is telling us the bad guy's right here. Like that's the bad guy door right there. So we adjust over, we punch a hole here um, I'll put number two, and then number three. Number two was a pie, but I was able to go there and just put uh, my pistol in with my flashlight and I was able to look in there and see all the people that were all like crowded around here. Then they started running the hole trying to get out. I told them to get back. Started punching number three what was happening was our ram was pushing blocks on top of victims that are still alive um, that were getting trapped. Uh, we told him to stop, called for the handheld ram and then I just started working the hole. Ramming it with a handheld to make it bigger. Then we started getting all the victims out of this number three hole. And I don't even know how many, there was a lot, a lot of them.

Um, I had to reach in, there was somebody stuck under this block and stuff and pull him out. Um, there was two people left and the…the second to last was good. And I was yelling at him to help the other guy, cause the other guy had been hip shot it seemed, leaning against this wall right here. He wouldn't help him, just wanted to get out so we got him out. So I now am talking to this guy and I think his name was Orlando, I'm not sure. Just telling him to fall, I started to come partially through the hole, finally was able to just a piece of his pants and flip him, grabbing his wrist. Just start coming out of the hole and I can see like shadows cause it looked like there was stained glass here. Heard the...heard shots um, my team was already staged with diversionary devices and the Bearcat was already staged to start doing a rescue for an active shooter for hostage rescue.

CB: Okay.

TS: Um, I started yelling "DD" um, when he was shooting I...I felt, I don't know if it was our DD's that went off or the bullets, cause I didn't hear no screaming or nothing, that he was shooting like towards us. Cause I kept getting wood splinters in my face as I was grabbing him. So now I'm pulling him out harder, then all of a sudden I see a big shadow emerge. I popped my head outside and I see him walking out the door which is right there. Um, I just saw the rifle. I saw the rifle come out; I didn't see the handgun or nothing. Uh, and he was already shooting at my guys. My guys...

CB: (inaudible).

TS: ...yeah my guys, as I'm working the victims here, my guys made a wall right here. Like more or less a um, we didn't have no bunkers or nothing like that but just made a firewall pointed that way. So he came out shooting, I saw that. I was pulling my...my guy, I took two steps...and all of sudden I lost him. And then I thought that this guy shot my guy that I was just trying to save. Um, at the same time I drew my pistol turned around and engaged and he was still standing shooting until he finally got KO'd I think, I'm not sure. Um, Scott Smith starts yelling cease fire. They're doing a check, I'm yelling to check yourselves cause I...I don't know how the guy didn't get any of us. Um, I remember grabbing a couple groins just to feel, cause I was convinced they got hit. That's when Nap walked up behind me said "Stan I think I've been hit in the head". I lied told him he was fine go get checked out and hurry back. Um, so they're still dealing with this guy and then I hear another shot because there's a device on him, some kind of battery pack. Um, I didn't see that cause I was, at this time, as soon as I got done with Nap I went looked at my guy and he was still alive. Yanked him out of the hole and I don't even know who dragged him away at that point.

Um, keep going?

CB: Yeah.

TS: While this was happening the shooting, when the guy initially started shooting diversionary devices, uh, and I was pulling this guy out, we were ramming, I'll put number four, and five. Oops the wrong side. They were...they were pushing in on um, number four which ended up being a stall and broke a water pipe. Backed out they're yelling lower the boom to move to the south so he starts punching a hole at number five. Uh, [redacted] and I run over there, I grabbed the ram again. We run over there to number four, look in, I'm yelling in there "does anybody have a vest on, does anybody have a bomb" cause we had information he had a...making a vest. They're all screaming "no but he has a bomb, he put a bomb in there". EOD screaming at us to get out of there cause of a bomb because of the battery pack.

Um, then right where we were [redacted]nd I saw a guy drowning under a body cause it was filling up with water, we just say him trying to fight. So [redacted] and I just said we're going in. Went through the hole, um, got him and then we started pulling out more bodies here. And we were pushing them out number five.

CB: Okay.

TS: Um, I know the last person that was here cause I was done, spent at this time, I was asking her to help me but she said she had been chest shot twice, leg shot once. And I said "well you need to help me" then one of my brand new kids, a pup on the team, Perales, tapped me on the shoulder, and said "I got you" you know, "we'll get her out together". So we brought her out, number five. Then once we were out then we evacuated...in this bathroom there was a lady saying that uh, her sister was still alive. So I was going in the water picking up all the heads just to make sure that there were not...nobody else was alive. Then we just all rallied over here.

CB: Okay. Alright.

TS: So.

CB: Um, do you remember who was in this wall of this...this wall of guys right here?

TS: I know uh, [redacted]and Scott were there because I thought they positively got hit.

CB: Okay.

TS: Uh, cause I was directly yelling at them.

CB: Okay.

TS: Especially [redacted]to check himself. [redacted]

CB: And you said Nap before, who's Nap.

TS: Nap's the guy that shot in the head.

CB: Okay oh Napolitano?

TS: Napol...I just can never say that name.

CB: Is Nap?

TS: Yeah.

CB: Makes sense. Um, alright so and then you said at some point you see a rifle?

TS: Yes.

CB: Um, while you're over here and trying to rescue this guy from hole three.

TS: Yeah.

CB: Um, and you start…and you fired. Did you use your fire…your pistol or your rifle?

TS: My pistol.

CB: (inaudible).

TS: My uh, my rifle once I had to start ramming the hole.

CB: Um, um.

TS: And once I was dealing with bodies I just…I took off and handed it off to somebody that…it took off and was put, secured in the Bearcat.

CB: Okay.

TS: Um, but I shot the guy with my handgun, my pistol.

CB: Okay do you remember how many rounds?

TS: I'll say three to four.

CB: Okay. Was anybody else firing at that time that you remember?

TS: Oh yeah, every…everybody was still firing, like this was…

CB: Okay.

TS: …quick um, the guy drops, Scott ceases fire and um, yeah. Everybody…everybody was the same time.

CB: Okay. Did you hear the…the guy with the rifle, did you hear him say anything or during that time you being there did you guy saying anything?

TS: Not a peep and I didn't hear a peep out here. Like it…now that I reflect back and it's slowed down…

CB: Um, um.

TS: …like when he was shooting there was no screaming, no nothing to give us the indication that he's killing people at that time. And at the same time that's when uh, I was getting hit with splinters or like something come through the wall and I don't know if that was our diversionary devices.

CB: Okay.

TS: Or what that was. That's funny that you say that cause I remember looking for my safety glasses but I didn't have time, I was like "pssh". And when this was happening I was like "I forgot my safety glasses". But like when he was shooting there was nothing, there was no screaming or nothing that we heard at all. That would indicate he was…we were still doing it but that's what just makes me think that maybe that was bullets flying through the wall or something towards us.

CB: Do you remember how many, approximately how many shots you heard?

TS: From him, distinctly three. Well I heard…I heard three muffled inside the building and then when he came out I heard three more distinctly. Then our barrage of fire.

CB: And what was going through your mine when you see this guy with the rifle? I mean what was your…at that point?

TS: To kill me.

CB: Okay.

TS: And uh, I thought that he killed the guy that I was trying to save right there.

CB: Okay.

TS: Cause the way, the way he fell off…off my arm, and the shots…cause he was shooting as I was pulling and I thought he shot that guy.

CB: Okay.

TS: Um, and that my partners were hit.

CB: And what was reason…what was reason for using deadly force?

TS: He was trying to kill myself and everybody else.

CB: And the information that you got for the initial response in your SWAT call out?

TS: Yeah.

CB: During the entire event did you receive any other information like what was going on with the suspect and what was going on scene while you were outside (inaudible)?

TS: Yeah like…

CB: Your SWAT operators?

TS: Should I back up when I was, went to get the owner at the command post.

CB: Um, um.

TS: I remember yelling at all these cops because he was saying there was a bomb in his car. And he kept chirping the alarm to, like he kept working unlock, lock cause it kept chirping.

CB: Oh okay.

TS: Um, and I remember yelling at all them. Um, and as soon as I heard the word bomb I knew they were like terrorist. I knew we were dealing with terrorist. And then the suicide vest, we all knew we were dealing with a terrorist.

CB: Okay.

TS: Um, like this was next level stuff here.

CB: Okay. Anything?

Unknown: No I think you covered it.

Unknown: Okay.

Unknown: No questions.

CB: Any questions for us or…

TS: No sir.

CB: Is there anything we didn't ask you that you feel might be relevant to?

TS: No sir.

CB: Okay that concludes the interview…

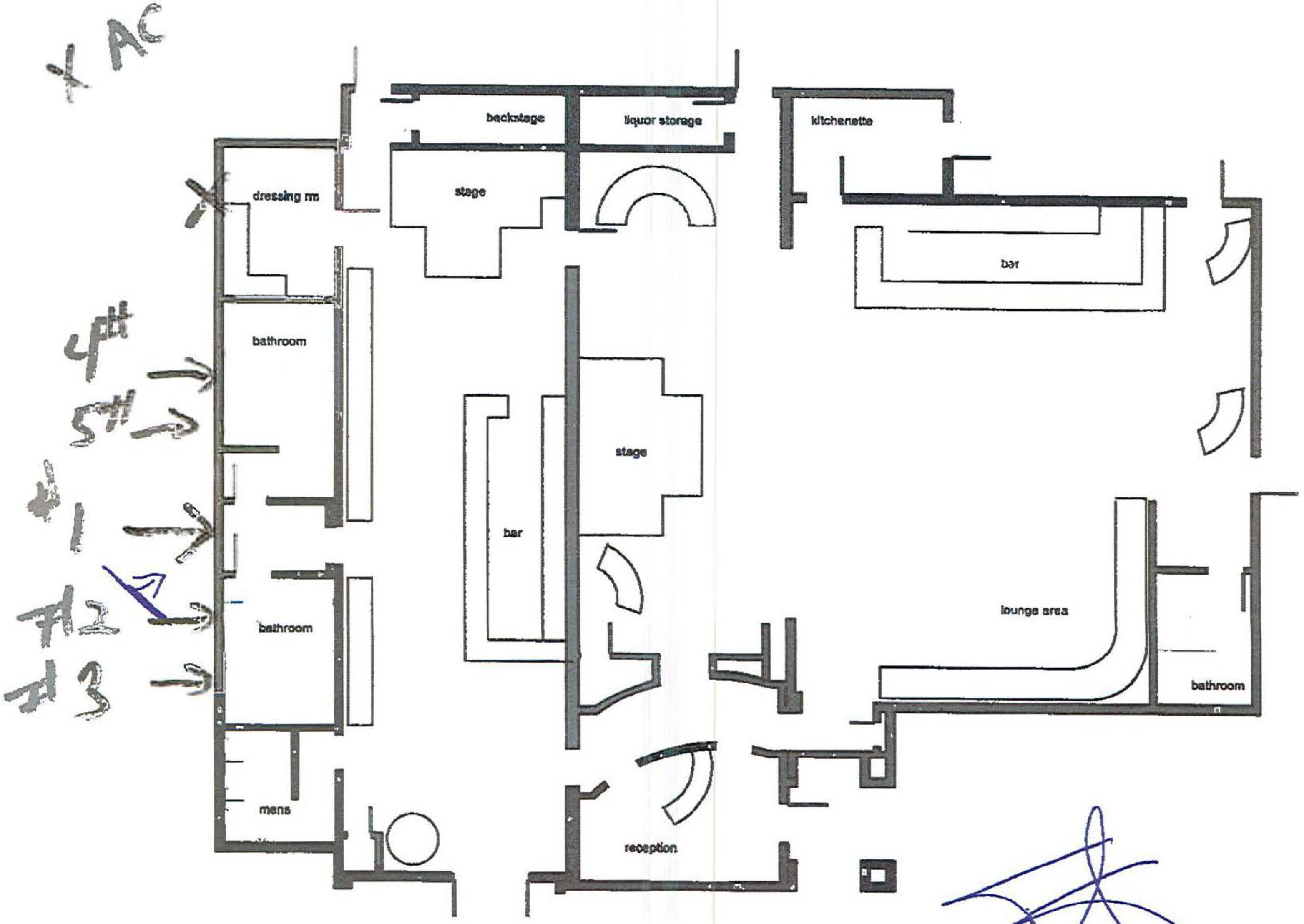
Unknown: Initial and date that one that you marked up.

CB: Just sign your name and the date.

TS: What is today?

CB: The 17th. Alright and that concludes the interview at 2:43 p.m.

Pulse Nightclub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Produced by the FBI Laboratory
16 June 2016

INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**Lieutenant Jonathan Bigelow**
STATEMENT TAKEN BY:	**FDLE Special Agent Afonso Williams** **FDLE Special Agent Craig Beers**
LOCATION TAKEN AT:	**FDLE Orlando Regional Ops Center** **Orlando, FL**
DATE:	**June 17, 2016**
RE:	**IR16-56**
ALSO PRESENT:	**FBI Special Agent Kevin Farrington** **Attorney Jason Bankowitz**
STATEMENT BEGINNING TIME:	**1449 Hours**

AW: We're on tape; this is Special Agent Afonso Williams of the Florida Department of Law Enforcement. Today's date is June 17, 2016. Time is approximately 1449 hours. I am currently at FDLE Orlando Regional Operations Center reference to FDLE case number OR-27-0258, which is a police use of force investigation that began on June 12, 2016 at the Pulse Nightclub located at 1912 South Orange Avenue. I am conducting an interview with Lieutenant Jonathan Bigelow of the Orlando Police Department. Conducting the interview with me is Special Agent, FDLE Special Agent Craig Beers and also FBI Special Agent Kevin Farrington. Also present in the room is Jason Bankowitz, Lieutenant Bigelow's legal counsel.

Okay for the record uh, I just want to clarify that this is a voluntary statement being given as part of a criminal investigation into the shooting incident. And you are not compelled in any way to provide a statement do you understand?

JB: I do.

AW: Any time during these proceedings if you want to terminate the interview let me know and I'll turn of the recorder and you are free to leave.

JB: Very good.

AW: Okay with that said do you understand that this voluntary statement is being taken as part of a criminal investigation and not, I repeat, not an Internal Affairs statement?

JB: That is correct, I, yes.

AW: Okay. Alright please raise your right hand. Do you swear the testimony you are about to provide is the truth, the whole truth, and nothing but the truth so help you God?

JB: I…I swear.

AW: Okay. Okay prior to this interview did you review any type of video/audio or video as it relates to this incident?

JB: No I have not.

AW: Okay. How long have you been employed by the OPD?

JB: Um, December 11 of 2001.

AW: And on the date of the shooting incident were you performing your duties as it relates to your…to your job?

JB: Uh, yes in the capacity of a Deputy SWAT Team Commander, yes. My primary role is watch commander on midnight rotation opposite of what the night was that the shooting happened.

AW: Okay. You said Deputy Watch Comm…I'm sorry Deputy?

JB: Deputy Team Comm…Deputy SWAT Team Commander.

AW: Okay. Okay so you responded uh, you responded as it relates to the Deputy Watch Commander. Were you working on the road at that point in time?

JB: No I was…I was off.

AW: Okay.

JB: It was my weekend off.

AW: Okay.

JB: I responded as a result of the SWAT callout.

AW: Got you. And what uniform were you wearing at that time?

JB: My uh, multi-cam BDU SWAT uniform.

AW: Okay. What weapon were you carrying?

JB: I was carrying my issued handgun on my hip and then my M4, Sig Sauer M4.

AW: Now your issued weapon what…what caliber?

JB: Sig Sauer, I'm sorry Sig Sauer P226 .357.

AW: Okay for the M4 how many magazines did you have?

JB: One, two, three…six.

AW: Six. Okay how many rounds you had in each?

JB: Twenty-eight.

AW: Twenty-eight. And for the Sig how many magazines did you have?

JB: Uh, four.

AW: Four. Rounds in each?

JB: Twelve in three of them, one has fifteen.

AW: Did you have it topped off?

JB: Yes.

AW: Okay. Okay now from start to finish um, I'm going to turn it over to you and just tell me how you became involved in this incident.

JB: Okay.

AW: I have diagrams.

JB: That would probably help a lot.

AW: Yeah. Okay right here's actually a sketch.

JB: Okay.

AW: Of the interior of the club?

JB: Sure.

AW: And these are diagrams of the (inaudible) so whatever, which ever ones apply.

JB: Yes.

AW: You can use.

JB: Okay. Are these free for me to write on or…

AW: Absolutely here you go a marker for you.

JB: Okay perfect.

AW: And so from start to finish how you became aware of it…

JB: Sure.

AW: …and you responded on scene, take me to the end.

JB: So I got paged out at whenever the page came out um, 2:00 in the morning. I missed actually the first page and I was…I woke up to my phone being called by my brother. And uh, I missed that phone call but I heard the phone call, caused me to look at my phone. SWAT callout, uh, per Lieutenant Scott Smith, an active shooter at the Pulse Nightclub.

So I wiped the sleep from my eye and I started heading out to Pulse. Started listening to the radio. And uh, they were giving information um, that there were multiple victims inside, multiple victims being transported. Um, one to two possible shooter…one shooter definitely, possibly two. They were getting all sorts of mixed reports and this information was coming from dispatch. Um, at one point I heard them updating, talking about how he's pledged allegiance to ISIS um, and um, and that information. So we started setting up as much we could uh, as far as command post, rally point for our SWAT team. And I instructed my guys to look for you know, pick a good…good spot that's clear of any secondary explosion or booby traps or anything like that. So once on scene I got…got set, kitted up. I had parked all the…pretty far away at um, Kaley and Delaney. And I actually started humping it in off of uh, the street south of uh, Kaley. I forget the name of it right at this moment. But uh, we ended up having a couple of trucks pick us up and rallying over in that location and then we drove in. And as we drove our armored vehicle in I arrived on one of the armored vehicles um, we pulled up right to this area, in this location on the south side…the south side of the parking lot. And that's where I saw um, Lieutenant Scott Smith because he was directing people over to him. And um, we drove the truck up here and sort of parked it up here on the south side parking lot.

AW: Let me get you to just…

JB: Yep. So um APC. Okay so um, started communicating with some of the SWAT op…officers that were on scene, I believe Sergeant Parker was already there. Um, and a couple of uh, other SWAT team members and they started posting up on the APC holding down and covering down in this area. I noticed the double doors were open. The sliding glass door, uh, the sliding glass, I'm sorry, the big paned window was smashed out. And uh, a couple of doors were open and cops were everywhere. I was like okay, started to uh, met up with Lieutenant Smith and get an assessment of what he had. "Hey we got...we got…" and he started to brief me on the fact that he's got uh, the hostage taker, the bad guy, was down the hall in this lone hall on either side, he couldn't really be hundred percent on which side of the bathrooms, the area. But he was trying to give me a layout. And said "alright well how about you go inside". I said "Okay". So I walk inside, I come in off of this door, the front door, which it enters in the reception area. And I noticed that we had um team members here, here, here. And uh, as I walk in and I peek around this corner there's just you know, bodies everywhere. Uh, bodies up on the stage and I see that operators are here, here, here…uh, of our guys.

Um so I walk in and I…I take a quick assessment I'm like okay come up, meet with these guys ask them if they're good, what they're holding, and I take a peek at their position and see that they're focused down on this hallway. Uh, same with this one, likewise. And this…this door was shut. Um, this door was shut, this door was shut and uh, I meet up with a couple of other guys over here and I said okay, I understand that you guys got this contained, make sure you're switching out. Um, have we done secondary's in these locations or we a hundred percent sure that this is clear. And they're like "no not really" there's actually a ladder somewhere around here that leads up, cause I looked up and noticed there was a DJ stage up there. So I, "have we cleared this, no" and then we started to take a couple more guys from the outside bring them in and started to clear this area and this is actually a…it was like a fence, this is a P lot to the tint place. Um, and this is a hallway that goes through and through. Uh we had guys posted up here. I remember uh, before I…or during some time of my arrival a couple of guys come up, "Hey what do we need" we said "go post up on the far side corner".

AW: Um, um.

JB: Uh, so anyway, so they were already posted up. Um, as we're clearing this, we made sure this was clear. Came out this way, noticed there was a whole bunch of a…when I came out and I rounded this corner, I'm very thankful that they had good trigger discipline cause of the…the fence almost goes like this. Um, I came around this corner, I didn't realize it but there was officers, I have no idea what jurisdiction they were, pointing their guns this way. And there was about four or five of them over there. And so realizing that we really didn't need them there uh, we started to tell to push back. So uh, came, did a walk around here cause we were hold…this was all clear. Our guys were holding here. Um, I just started to bounce back and forth. We made sure that all these people were clear, I never…I never went back here in this bathroom. I have no idea what was back there. But we really just did a lot of secondary's on…on people to make sure that they were you know, not worth saving or in fact dead. Came back out and um, our concern, my concern was this door because they kept talking about a men's bathroom, men's bathroom. And there was clearly a placard for a men's bathroom right here. I'm like "how do we get in there". Um, ultimately came back around. The APC had moved up at that point from initial and it was almost, I mean I…I drew it in the building, but it's actually just shy of the doorway. Like that.

Alright and um, we got a robot ready. The robot was uh, came in, could hear it, it went down this hallway. Um, and I came watching the screen and uh, it went into the open door. I couldn't tell you if this door actually swung open or closed like that. I don't know. Um, but it was open and the robot went in and we count, I counted three people in there. And that was one thing that I had done when we were trying to formulate a plan, come up with what was going on. Who…switching out people this…is a…as I came up and I just started counting bodies. So I came up with a headcount. There was one guy out here. And stuff like that so I…as the robot went in and we…that added to the body count. Uh, when the robot was in there, I believe it was these guys or these guys reported, "Hey we can hear people saying 'get us out of here, get us out here'". I'm like alright. I didn't see any movement on the thing, on the robot screen. Uh, they brought the robot back out and into this bathroom, which was, I don't remember seeing anybody in there at all. And um, but I remember seeing on the screen, these three urinals. And I said okay, that looks pretty clear and we brought the brought the robot back out. So I had a good idea of at least what this bathroom looked like, minimal idea of what this bathroom looked like. But I was like okay. And that'll come into play later I guess. So as we're trying…as I…as I keep coming back and we getting into all that uh, it's all like third party. So and so's calling saying they got a text message from whoever's in the dressing room saying they're with the…with the shooter. Some of them saying that they're in the dressing room, they're in the bathroom. And so we were just like "man we'd like to really isolate who the…where…how do you get to this…" they talked about the dressing room. And I thought there was also talk about a secondary dressing room of some sort but. Uh, we were trying to formulate and isolate where the hell this guy was. And we were pretty confident that it came out finally that it's like…he's in our bathroom, there's people dead. And he's got dead people blocking the door of the bathroom. So with this one being open we're like well that's…I think we can put more money on the fact that he's in this north bathroom and then we can on the south bathroom.

So um, after we came back around, um, out here, um, I'm trying to think of the chain of events from there. Um, the information started to come out where "hey he just advised…" I was over here somewhere and I remember…"just advised that in 15 minutes he's going to strap people, four people, with explosive vests and send them to the four corners of the club and detonate the vests. So I was like okay we really got to move now. But as we were considering what the next step is, ultimately the question was how do we go down this fatal funnel and do an assault on this room which the door is closed. I mean uh, and there's victims in…in, we know that are possibly in all these. Back up, a few moments later, prior…prior to the information coming out about the vests, is this team over here, as Tim Stanley was walking the owner around, cause we were like it's still this…I mean this would have been beautiful to have right then and there. But he's trying to visualize, and tell us how the things laid out. Um, they start, they come to a…an A/C unit over here. And the owner's like on the cell phone with somebody. The owner is on the cell phone with somebody and say "hey we're in the dressing room" and Tim looks, taps on the A/C and realizes they tap back and there's people in there so. They say "hey we're pulling people out of the A/C unit. So I come around the corner and I saw the first uh, lady being pulled out. And it was just like a…it was like, it was almost like a clown car. Just people started coming out of the dressing room. And we started to think well how do we know that this is not the bathroom, whatever, how do we know that these people are clear. So we started clearing the people as best we could. Patting them down. Trying to look at their faces. They're all scared so it really didn't seem like anybody was there to harm us at…or they weren't shunning anybody away so. We daisy chained them out and got them out of there.

Uh, so fast forward again to the information coming up about the uh, other…the four corners thing. We had requested EOD early on because um, throughout trying to develop a plan and a contingency ABC to come up with, uh, based off of the whole terrorist talk and all that other stuff um, there was a car that somebody said "hey this car keeps going…the lights keep going on and off in the car in this north parking lot as if somebody's trying to unlock it, or lock it" or whatever the case and it's on a consistent basis. So they…they had bomb dogs started to walk this whole area and they said that they hit on a car over in this area. So that was prior to the…to the talk of the…um, the four IED vests being strapped on. So with that they…they started to back people way away from here and we were thinking man this is a really crappy situation.

Um, but ultimately when it came down to the fact that the…four corner information came out, uh, we said "we're way too close guys". If these people come out, um, and our orders were to, if anybody comes out with a vest on, innocent or not if they have a vest on we were going to dump them in the head. And um, but we were still too close at that point. So we pulled this crew, all the way back to the back patio here. And they held here and here. And then this crew, it was like six of them, we put like...there was a car parked here. We put two here, facing this way. Two here, facing this way and I think...and then the other few, the other two married up with the APC team and...and focused down on this window. And the idea was we back this APC up, we had two snipers across the street high that could see right down this. That if somebody were to come out or he were to come out and just go absolutely rabid and beat feet for this way, try to get one of these exits, this team would obviously be holding there. And uh, we had all of our exits blocked where he couldn't escape in essence.

So bringing up forward, so all that time EOD is getting spun up, Orange County EOD. And they come over and they're like "hey we need to start looking about doing a....a (inaudible) charge to the wall". And um, I said "I'll scout that out". So I brought, I came up, we started looking at the wall. And um, now that I know, it's probably like a downspout right here. So we come out looking at the wall and I see these three distinct like PVC uh, piping kind of ad hoc piping, water piping coming out and I'm like "well that's probably water" I'm not...you know, absent minded too much when it comes to construction. So I'm like that's probably water feeding those three urinals that I saw in the video. And I looked to the left and there was a thicker pipe here, with another little pipe there coming up from the ground and another little pipe. And then there was a pretty big space and then you could see two more thicker pipes. Well I know that these pipes, these pipes are probably air vents for...to allow water to flush down in the toilet. So I'm like "um, alright". So I bring the EOD guy up and I say "hey this is what I'm looking at" and he's like "I sort of totally agree with that". I go "if we go right, let's say that this...this downspout divides the two. So he's like "alright which one do you want to hit first". I said "I want to...I want to be in that south bathroom. We want to be in the south bathroom cause it finally came up to where it's like "hey if we blow it, let's get as many people out as we can". Okay cool.

So we go, we pick and I say "you see this pipe, you see the downspout, I want to go right about there". He's like I literally touched the wall I said "put it here". He goes okay. We can do it. So um, they came up and uh, they said "hey we're...give us a second to prep the charge and get it ready". Um, we coordinated some more people on it, you know "hey this is going to be your job; this is going to be your job". I coordinated with Lieutenant Scott Smith. He's like alright "are you going to handle the...why don't you handle the west side and I'll handle anything that happens over here". I said "that's fine". So I go up, I link up with this team up here and they had a...a Bearcat with them. Um, the Bearcat, on this one, this one...is parked facing sort of north in this lot. There's also a marked police car back there. And uh, the team had been filtering around this parking lot, (inaudible) the marked car and all this other stuff over there. So um, I came up here; I gave them the information on what...on what was going to go on. "Hey guys we're going to blow a hole in this wall over here". And actually you can almost probably see this downspout that I'm talking about right there.

So um, so we repositioned the APC back a little bit and I held the spotlight right there but it wasn't on. And the idea was they were going to come up, put the shape charge there, then we'll flip on the light and see who we can rescue out of there. Um, at that time I said okay guys, you could see EOD, hey we're ready we're going to be doing our approach. Alright Tim Stanley and he brought one more with him. I forgot who it was. I think it was Napolitano over here to this wall that you can't see. It goes this way right here. And he staged up here on the corner and the APC was right here. And EOD came up, put the charge on. And um, to my fault, I didn't actually peek around the corner and say "oh that's in the right spot that we talked about". But be it as it may, they...they put it up and they were like "hey we're ready to go, they're backing out" and I saw Scott Smith come up and take position, not behind them immediately but over that way. Uh, they give the countdown, blew the charge. Um, I gave it a second, I look around the corner and I said "flip on the light" the light came on and um, you could see that it was, like a partial breach. You could see almost like the backing of dry wall on the left side of the charge. So if the charge was a square um, this was effective. So you just saw like…so…like shit. So they said the charge, you know it was failed breach and they said…we said Tim went up, Tim Stanley went up and took a look at it, I'm looking at it, I'm like "Man that's dry wall there" and he's like "hit it with the…we'll hit it with the APC". So we had our guy drive the APC around. Hit it, he hit here first, he…as he pulled out he took out this chunk and then hit it again and it took out this chunk. And um, with the handheld ram Tim out a few more other little chunks I believe. If I remember he hit that with the handheld. So we hit it, hit it, hit it and then light, you know as we're doing so and then we pull out a little bit and we can see down there. And I'm looking down through the hole that was blown and it actually was like, ends up being right here. Uh, initial breach…if that's how you spell breach. Um, and I'm looking down and I'm seeing all these neon lights and shit down at this wall. Am I'm like "damn I was just standing there". And I'm thinking "Oh shit" and then I look to the left and I see a placard of like a female placard or something like that. And the glass door and I'm like "damn that's the door, that's the bathroom door". So I start telling the guys "Hey that's the bathroom, that's the bathroom door where he is, we got hold that door, hold that door". And uh, we started to go okay now that we knew that the APC was going to be no problem knocking through that wall, we said "open the south bathroom". You know just hit it; breach the south bathroom with the APC.

So um, so they started hitting in here. And when we came crashing through that first time, the people just started yelling. And they crashed through again, um, and I think he crashed through twice, we were about to three times and they were, they started just screaming inside "don't come through again, don't come through again". So we started to take uh, the uh, the handheld ram, Tim started, Tim Stanley started to take the handheld ram and uh, breach and this was the area that they were starting to rip people out of.

Um, people just started coming out of here. Um, I…at this time I was standing right about, not to scale, here we had somebody, this was Raul Rivas here. And I had [redacted] and [redacted] off to my left. And there was a whole bunch of people over here that I wouldn't be able to tell you who they were. Uh, I know Tim was up there and [redacted], Sergeant [redacted], was up there, the EOD guys were spread somewhere around here. And as were bringing people out I was initially focused on the door. But I started to lose focus off the door and started to help with daisy chaining people together, uh, patrol officers came up and took them out.

Well as I'm like "shit what am I doing, I need to focus back on the door" came back over here, focused on the door and it was like as soon as I looked at the door, you could start just hearing "Pow, pow, pow" I think he fired like four or five times. And on like the third one we were like, it was surreal it was like fuck he's killing people. He's killing people. And I said "dammit he's fricking killing people" and um, the breach, initial breach was so…it was like waist high and it was…it was like, I was like "damn how do I get there from here without…in a way where I can at least start to save people". So I told…I told everybody that I was like shocked and um, like what the hell. Um, I'm actually lost for an idea. And somebody took me on "hey let's breach the other side" so we were like yes. So I go "move that truck back" started yelling at this guy to move the truck back, truck driver. He comes up. And uh, and busts a hole in…in the bathroom. Boom and as he's…he backs up, pulls forward, I'm still holding, uh, by that time I had taken a...because they uh, they called for a DD. Pow, pow, pow "dammit he's killing people let's breach the other wall. Okay starts positioning, throw a couple of DD's to distract him. I couldn't get mine out faster than Scott Smith. He got his off. I threw mine which landed short right at the door. I think Scott's went a little further. And as soon as I threw my DD uh, it was right about that time when the APC was breaching the hole in the other wall, on the west side of the club on that north bathroom. And uh, somebody was yelling, "get a gun in that hole when it comes out" and I said "I'm on it". And we were coming around and I was coming around and had just taken up the stance position where the ram of the APC was clearing the hole. Cause my idea was if I...I hope that this guy is standing anywhere in that port that we just created so I can just get him in the bean. And uh, and as soon as it...it cleared and I had a hole, I'm looking it was pow, pow, brrr...and I like first shot that I heard that wasn't ours. Being that as I'm trained in on this hole, my attention is focused here. But I can...I can see like out of the peripheral the initial breach point where we made...where the explosive breach had come. So uh, I...I hear a pow and it draws my attention a little over, my eyes just shift and I could see what I believed to be a muzzle flash. Pow and then it was like a barrage of gunfire I hear. And I start to feel all the...the concrete coming off their shots. So I'm like "dammit" I take a duck, a second, I ducked my head. I...I wish that...I say I wish I had my clear eyes on by screw it, I come back up and I said well, I had made the decision at that point as I was coming up, I start picking out my aim point site. And I train my aim point site around this angle. Right about here, cause this downspout was at like an angle, away from it. I said...I said I know where the door is, I know where the line of the hole is in relation to that door. If he came out that door firing, if he's getting anybody and still giving anybody um, any...uh, shooting at anybody, any one of my teammates this way, I'm going to try to hit him through that wall right there and give him something to think about. Hopefully if it...I'm hoping hey I could kill him through the wall. If not give him something to think about to get their heads down to get them out of the way. So I start firing at this angle, just about uh, six inches, a foot, no more, off the opening of the wall that was...that we created. And I fire four rounds and I was...I reassessed. I take, I took a second, a quick four rounds. I come up off of my sights and uh, I listen for a second and I hear this team calling for a cease fire. And I see out of my peripheral now somebody coming up on my left and uh, I say "cease fire, cease fire". That was, ended up being [redacted]. He didn't end up getting a round off. And he comes back and he follows me and I'm hearing people reloading.

We start making our way around the backside of the APC. And I reload, I dump a mag, I put a new one in and I come back through here and I remember Bishop and Rivas being at the back of the APC. I split them and I come up on the hole. And because they're all reloading and they're doing...doing buddy checks and all sorts of shit. I don't remember Napolitano being down or somebody saying that he's down. I come up on him and I see uh, I see a guy that's laid out um, to me it looked like a tan shirt. I didn't see any bullet holes in his shirt and I barely...I didn't even...I don't even look at his head. All I saw was a Glock that was at lock back. Um, facing, well it would have been facing this way, facing to the south, southeast. Um, locked back, up high upon his chest. So I gave it a second to see if he was moving or not. And he didn't move and I went right back to saying okay we need to get these people out of here.

So I came up here and I was like, I started to communicate through the hole that we had made. And I said uh, "are there anymore bad guys in there, are there any more guys" they're like "no, no one else". I go "is there any bomb shit in there". And they're like "what do you mean?" I go is there any weird shit that you could see that is like, could be a bomb?" and they're like "no". I'm like okay. So um, we start uh, we held real quick or we start to breach again um, cause there's two holes. I know that there's two holes there. Um, I'm trying to remember how the order of which it came. Um, but we're circling around, we're trying to...trying to make enough holes...enough area to get these people out. And um, one of these, somebody else had taken another look at the guy. And they're like uh, "Hey he's moving...he's sort of moving". And uh, it was like the talk was like 'Is he wearing anything, do you see a device or anything like that". "I don't know" and then the E...somebody says "hey he's got like a battery pack or a remote, it's by his hand or in his hand" something like that. The EOD guy comes running up I believe and he's like "this is like an active...we need to get back, we need to get back". And I...I look over at Scott, I go "how do know this guy's dead" I think I said "how do know this fucker is dead, he's got a bomb and we've got people inside". I go "we should put a bullet in his head and be done with it so we can rescue these people". And he goes "good idea". And I said...uh, and uh, so he walks over and he...and he clears everybody out and he um, I see him aim down at the gun. He goes "hold on guys" boom and he shoots one shot and then comes back. From there um, we use the ram again and cinder block was just falling on people inside and they start rescuing all these people. We broke a couple of uh, water pipes and it just started flooding from there.

Anyway so we get the people out, come back out and uh, pretty much come back... Rally up that had shot. "Okay who shot, who didn't, who was on this team, who wasn't...come back over to this area" we rally up over here uh, at the end in the rally point. And we start going okay let's go from there. And uh, see what they want to do as far as direction. Cause I started talking to Scott "hey we gotta, we gotta see if we still need to clear this" cause EOD was like screaming at us to get out. They were like insisting that everyone back up 1000 feet. This, that and the other.

Um, so I...I said to Scott, I said "hey you know I don't know what they want to do with us, I'm good to go but we need to clear that building a hundred percent" because we only really cleared this...this bathroom with a robot. We didn't...and no one's ever been in there. Um, boots on the ground in there. And it was only like a peek in maybe from what you could see out of the A/C hole in the wall. So it still needed to be officially cleared. So um, that's when they, we had rallied up back here and they okay bring your team across the street, across Ester and rallied up by the Dunkin Donuts in an empty parking lot. And they held a...they said we're holding another team and Orange County's going to come supplement and they're going to clear, you guys head back. And we went back to Primrose. Stripped down, gave up our guns and all sorts of stuff like that procedural wise.

So I'm trying to think if I left out any details. That's about it.

AW: I think you've covered everything for every single SWAT operator. Okay uh, deputy commander, so you pretty much oversaw what was going on on the ground?

JB: Yes uh, we started to, yes. To answer your question yes.

AW: Okay.

JB: I try to act as a, instead of a doer as a facilitator. Get this done; make sure this is getting done.

AW: Okay. So you was pretty much all over the place?

JB: I was...

AW: At various locations?

JB: I was running around so much from here to here to here to here to here to here to here to here. I…I said to the guys, I go "I hope you guys don't think that I was trying to be a…you know, by running around and not holding a steady position by any means. But you guys had it covered, I know you did but I'm trying to come up with a plan". So.

AW: Okay. So when you was over here on the west side…

JB: Yes.

AW: …you heard gunshots from inside, the interior?

JB: Yes I was…I was…if you will I was uh, that guy right…

AW: Put your initials.

JB: Yeah this…first gunshots where I guess you can call it, he went active again. Okay active gunfire. Not at us. And when I…I'm looking at the…I'm looking at the glass door, I'm looking you know sort of down the hallway and I'm like, you could tell it's all muffled and it's happening in that bathroom.

AW: Okay. You heard approximately four gunshots?

JB: I heard it was pow, pow, pow, pow and at four I said "shit he's killing people" and I think I heard one more after that. So I heard about…at least four. I want to say I heard another one after that.

AW: Okay. So when you fired your weapon…

JB: Yes sir.

AW: …where were you?

JB: So when I fired we had…the APC had just breached a hole here. And had pulled...was…had pulled out to about…it's not a good relat…visual relation. But I was here. So fired, JB, fire location.

AW: Okay. So you fired into the north.

JB: So I fired…

AW: Bathroom?

JB: …again it's…my…I remember being probably about 15 yards, 15 to 20 yards. And I fired just left of the actual crease. If you were to look at the hole in the wall, I took…I went six inches to the left.

AW: Okay.

JB: And what I...what I could perceive or believe or articulate to be right in the doorway of where the...of where he would be standing if he came walking out.

AW: Um, um. And you saw him fire how many rounds?

JB: So I heard one.

AW: Heard.

JB: Came over, like it was like you know, cause as I'm looking through...I got...I cover my um, aim point with a piece of tape, which...which allows me to say I need to see with both eyes open. So I'm looking uh, with both eyes open at through...trying to see through this dusty hole that we just created into that north bathroom when I hear pops. So I'm like as that happens my vision starts to expand a little bit and I sort of start to come to the right. And I see like a flash or what I perceived to be a flash associated with another pop. And then it's like (snap of fingers) (noise) and all this shit, it was like a wave of concrete. And I'm just like boom, boom, what the... (noise) oh shit, (noise) and it hits you in the face. And that coupled with all the shots. I'm like damn I hope I don't get shot by a damn um, you know, skipping round off this concrete. Um, so I do a head duck. Count, I was like I need to get in it. And I come up and I said...I aimed down on that spot, just left of the blast door. And I was like if he's there he's going get some from me and that's it.

AW: Okay.

JB: Alright and if...and...um, you know, I'm...the reas...the decision, the ultimate reason I did...decided to fire my weapon and at that location was...was I believed that I perceived whatever threat that was right there based on all what I knew prior to that and the location and which I selected that whoever was standing there, posing harm to my fellow officers, that they were in such grave danger of death or great bodily harm that I...uh, I said without immediate trying to shoot him right now, right here, right now, um, somebody else is going to get hurt or die.

AW: Okay and based on what you just said that's the reason why you used deadly force?

JB: That is the reason why I used deadly force.

AW: Okay.

CB: Nothing.

KF: Lieutenant I think you hit it but just to summarize clearly. Um, at some point when you arrived on scene based on your knowledge, training and experience you were able to assess here that you probably weren't dealing with an unsophisticated subject. You were dealing with somebody who was capable of using sophisticated tactics weaponry, um, integrating bombs and who was (inaudible).

JB: Yes uh, when I heard all this stuff coming on the radio. We have trained so many scenarios and attended so many classes and to include all those international active shooter uh, and terrorist plots that have gone on, and associated with bombs and created secondary, you know, devices to...to specifically target responding law enforcement and EMS and all that other stuff. That I was like no this is...this is the real deal. And when I walked in and they said "active shooter" I...I was like is this a training scenario. It...people were laid out everywhere, in all sorts of different positions. Um, as I'm doing, as I'm just walking initially to that north crew to see you know, what they're seeing I'm like a magazine, a magazine, I see a...I see a plastic magazine and I see a metal magazine. And I'm like those are empty I'm like did we fire...do we have a big ass gun fight with him in here. So I'm like go back meet with them, I go hey Scott, cause I knew he was one of the first ones in. I go did you dump a whole mag in there of M4? He goes not that's him. And I'm like ah shit. He reloaded twice in there. I'm like goddamn. Um, yeah. That's...

KF: Did it uh...

JB: I'm sorry. So I don't...and not to get off track but yes I was...we...we knew that we were dealing with somebody who obviously could handle a long rifle in a manner of where in a short amount of time use it to create mass casualties, reload on the fly. He was...I was also told that there was a Glock magazine in there. So that means he had a secondary backup weapon. So he wasn't just like this is my only fight. Heard about the dog hitting on the car. Coupled with the talk about the bombs and the pledging to ISIS who I've known to be, based on all the news reports, are not a good terrorist organization, yes this individual was not somebody that we were ready to play with.

KF: And then obviously finding the magazines, multiple empty magazine so you knew he could put effective and high volume of fire down right?

JB: Yes. It was...it's different from the run of the mill I would say call out than we were used. Oh a guy was firing a handgun in the air and barricaded himself in the house, okay whatever. Seeing the carnage that he caused, knowing that he was not giving up. I was, there was not a time then when I was like goddang, this one...I'm scared on this one.

AW: Do you have any questions for me? Anything we failed to ask you think you were pertinent to this investigation?

JB: Uh, no.

CB: Okay. Let me just get you to sign and just the ones you marked up?

JB: Yeah.

CB: I think it's that one. Sign and date.

JB: (inaudible).

CB: (inaudible).

JB: Sign and date.

AW: Okay the time is 1534 hours. We're going to conclude this interview.

/cf **11/14/2016**

Pulse Nightclub

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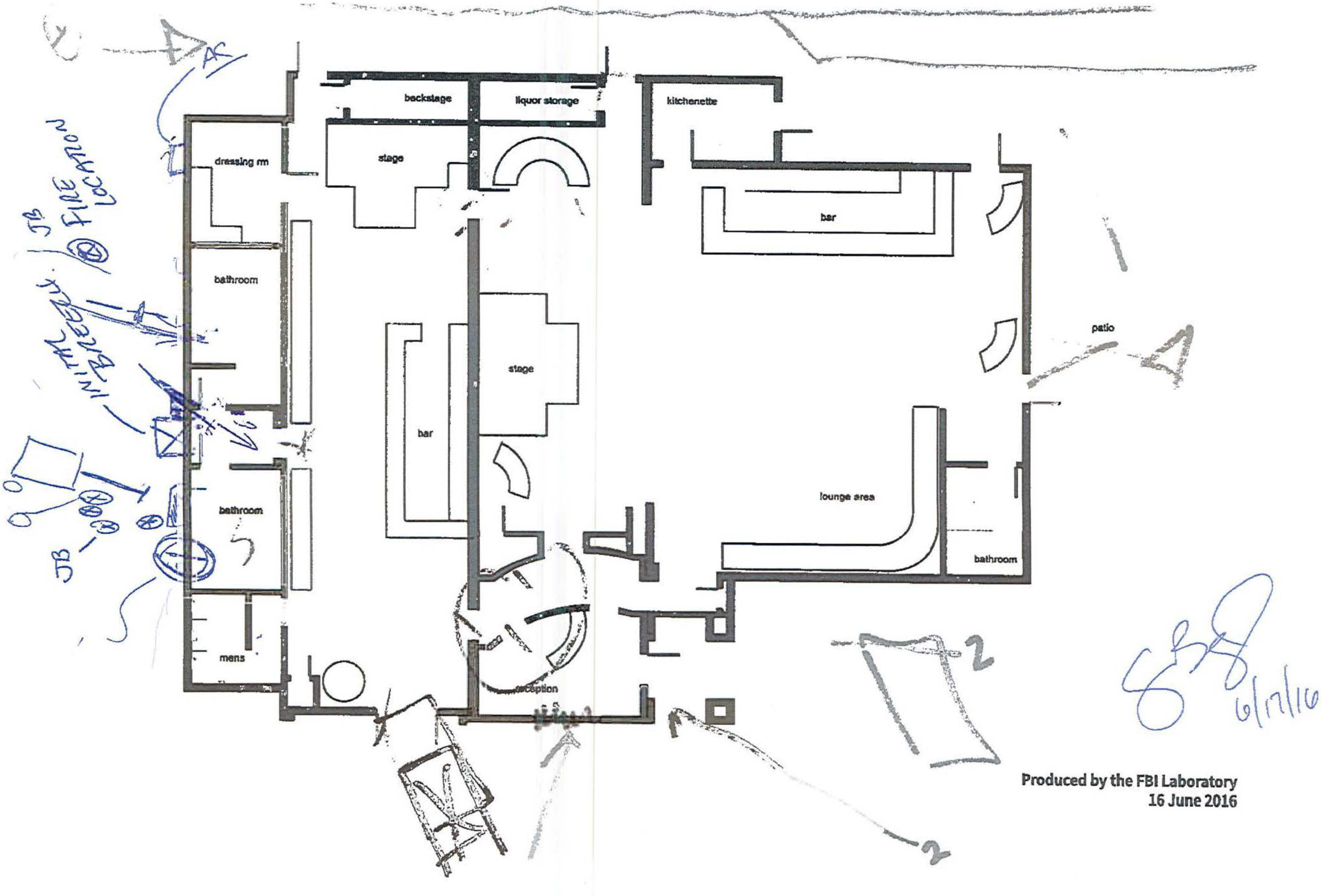
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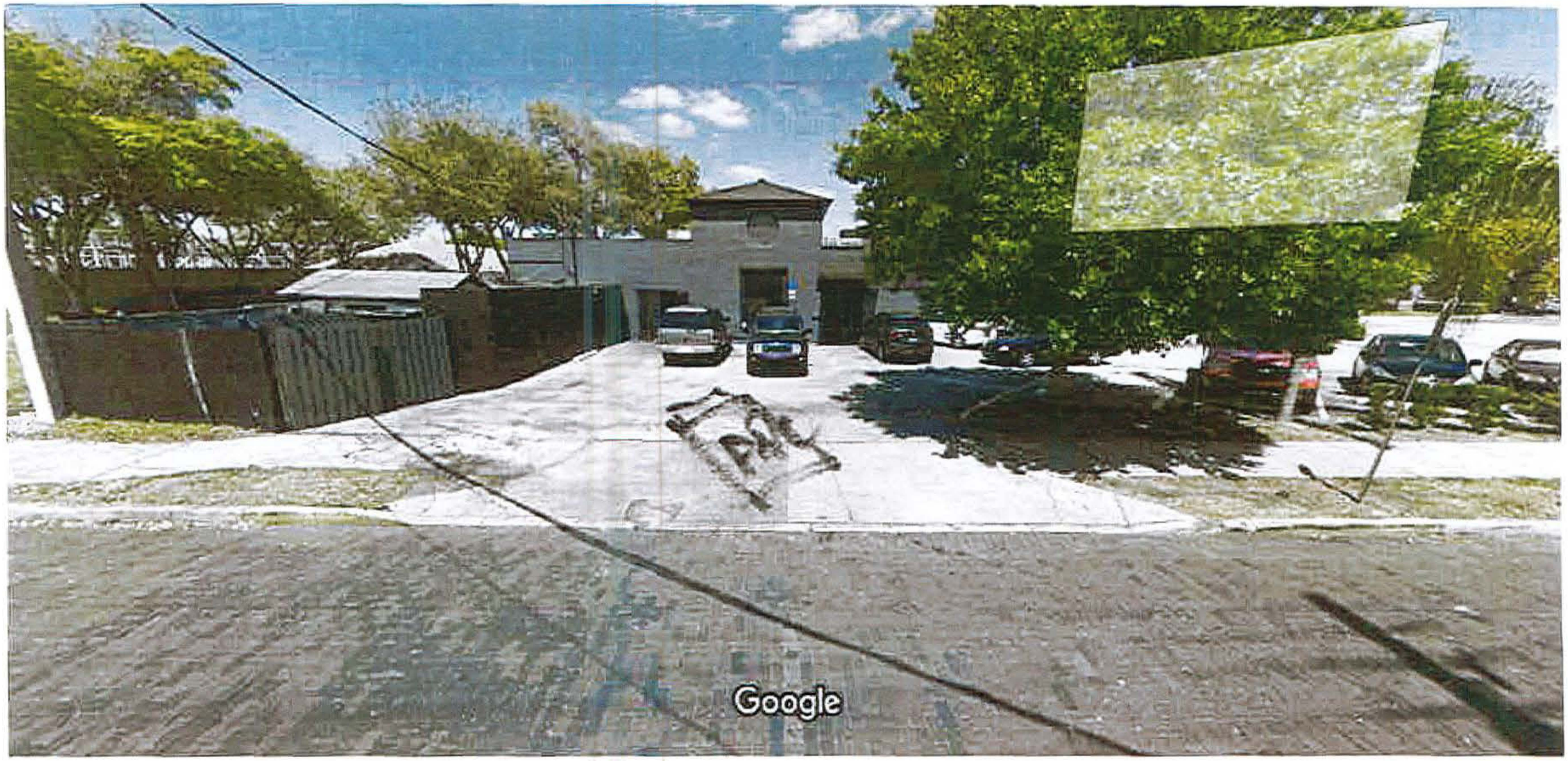

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Street View - Mar 2016

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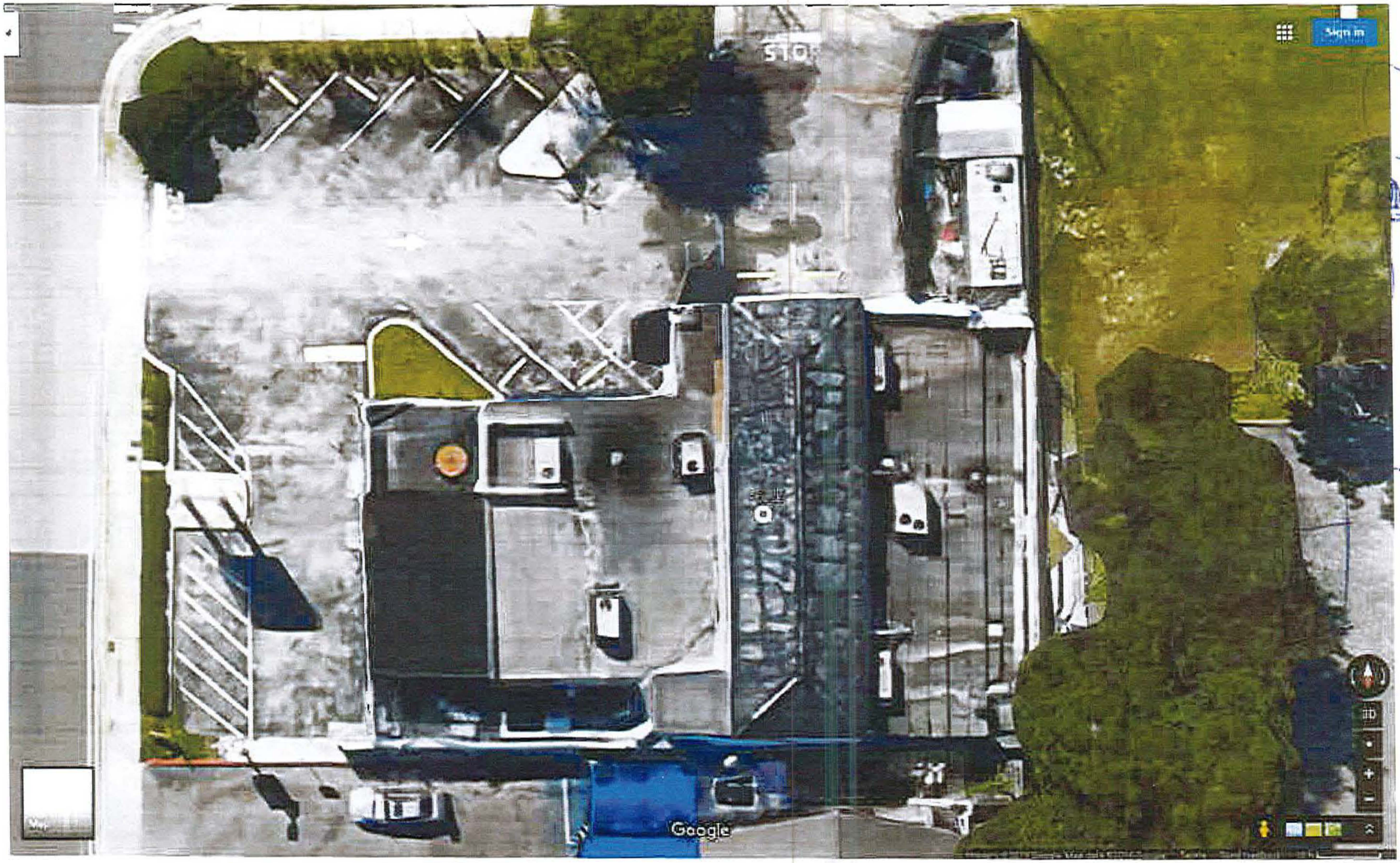
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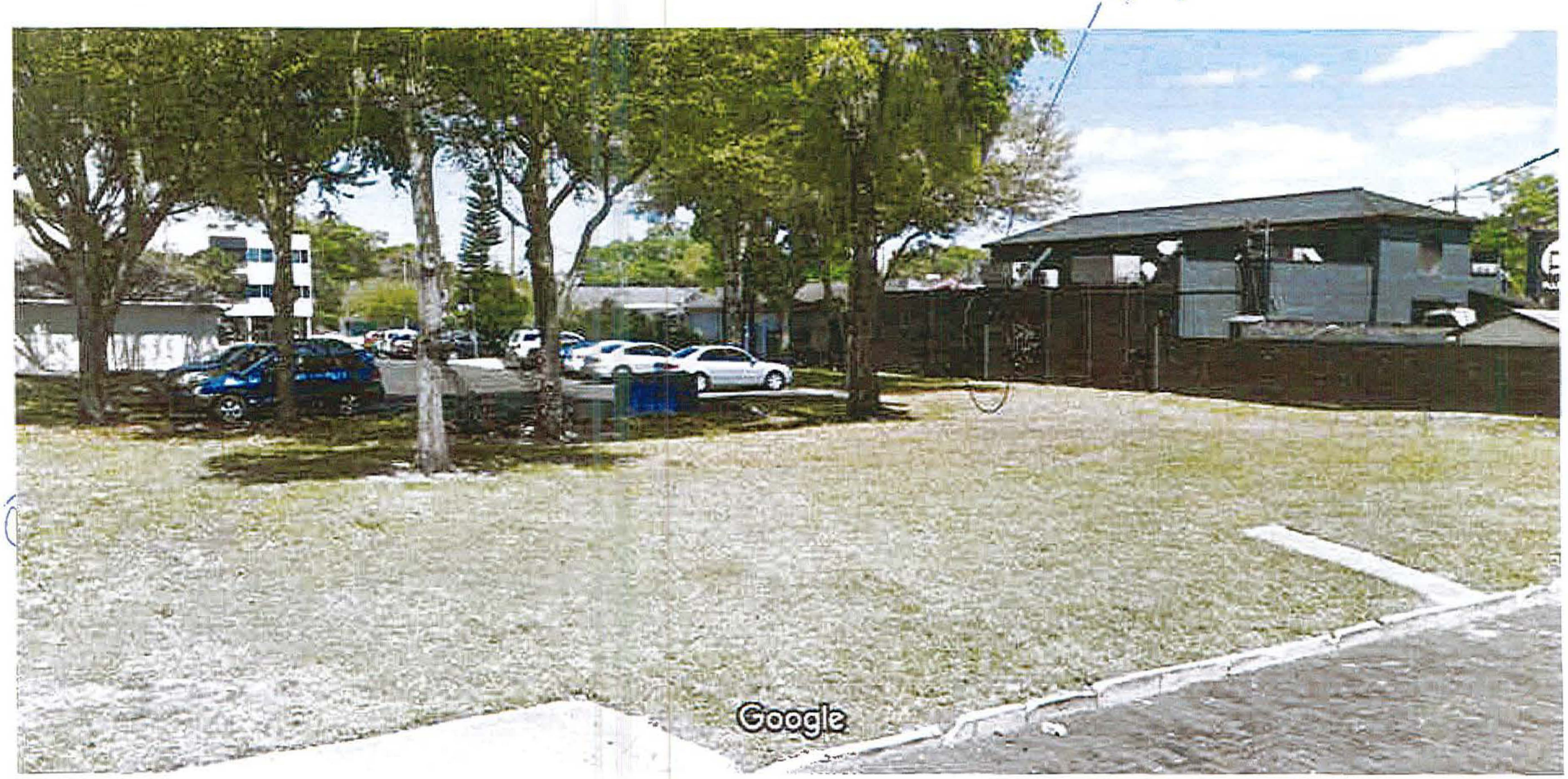

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Street View - Mar 2016

6/17/16

INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**Officer Ricardo Duenas**
STATEMENT TAKEN BY:	**FDLE Special Agent Craig Beers**
LOCATION TAKEN AT:	**FDLE Orlando Regional Ops Center**
DATE:	**June 17, 2016**
RE:	**IR16-46**
ALSO PRESENT:	**FDLE Special Agent Afonso Williams** **FBI Special Agent Kevin Farrington** **Attorney Jason Bankowitz**
STATEMENT BEGINNING TIME:	**1539 Hours**

CB: This is Special Agent Craig Beers of the Florida Department of Law Enforcement. Today's date is June 17, 2016. The time is 3:39 p.m. I'm at the Florida Department of Law Enforcement Orlando Regional Operations Center in reference to FDLE case number OR-27-0258 which is a police use of force investigation that began on June 12, 2016 at the Pulse Nightclub located at 1912 South Orange Avenue in Orlando. I'm conducting an interview of Officer Ricardo Duenas of the Orlando Police Department and also conducting the interview with me is FDLE Special Agent Afonso Williams and FBI Special Agent Kevin Farrington. Also present in the room is Jason Bankowitz which is Ricardo Duenas' legal counsel. And you go by Ric?

RD: Yes sir.

CB: So Ric for the record I'd like to clarify that this is a voluntary statement being given on your part into the criminal investigation of the shooting incident and that you are not being compelled in any way to give a statement. And at any time you wish to stop talking or uh, consult with your legal counsel, feel free, do you understand?

RD: Yes sir.

CB: Okay and do you understand that this is for the, only the criminal investigation and not for the uh, administrative side of it?

RD: Correct.

CB: Okay and now can you raise your right hand? Do you swear and affirm that the testimony you are about to provide is the truth, the whole truth and nothing but the truth so help you God?

RD: I do.

CB: Okay. Prior to this interview have you reviewed any audio or video, body cameras or any type of visual media relating to the incident?

RD: No sir.

CB: No, okay. How long have you been with the Orlando Police Department?

RD: Just a little over two years.

CB: Okay and what are your…what's your current duty at Orlando Police Department?

RD: I'm on patrol on the east…on the west side and I'm also on the SWAT team.

CB: Okay. So your…how long have you been on the SWAT team?

RD: Three or four months.

CB: Okay. Alright and on the night of June 12, 2016 were you working that night?

RD: Yes, no, no I was off that night.

CB: You were off that night?

RD: Yes sir.

CB: Okay so it was a SWAT callout for you?

RD: Correct.

CB: Okay alright uh, when you were called out that night, what exactly were you wearing when you got called out?

RD: I responded in my multi-cam BDU's, my blouse, my uh, my regular patrol vest and my gun belt until I got to the scene where I actually switched out my gear.

CB: Okay and what were you wearing when you got to the scene and…

RD: I put my uh, my heavy vest, my entry vest.

CB: Okay.

RD: And uh, had my drop leg holster and my uh, helmet and goggles, not goggles but glasses and uh, my gloves.

CB: Alright and any insignia or anything on your uniform?

RD: Yes.

CB: Okay.

RD: It's says POLICE on the front and back.

CB: Okay alright. And what weapon, weapons did you have on you?

RD: Uh, Sig .357 pistol.

CB: Okay. How many mags?

RD: Three.

CB: And how many rounds in each?

RD: Twelve in each.

CB: Twelve in each. Uh, are one of those mags of the three in your weapon?

RD: Yes.

CB: Uh, was it one in the chamber?

RD: Yes sir.

CB: Was it twelve plus one or…

RD: Yes sir.

CB: It was okay. What about your rifle?

RD: No I did not have a rifle.

CB: Oh (inaudible) okay so you just had your handgun on you?

RD: Yes sir.

CB: Okay. Alright what vehicle did you respond there in?

RD: In my patrol vehicle.

CB: And marked?

RD: Marked patrol vehicle.

CB: Okay does it have an OPD insignia on the sides and light bar on top?

RD: Yes sir.

CB: Okay. Alright. So you said you responded as a SWAT call what information did you get when you got this SWAT call?

RD: It was an active shooter at Pulse. It was sent by Lieutenant Smith, that's...I mean that's how I can summarize it.

CB: That's it.

RD: Yeah.

CB: So if you can just start from when you initially got the call until you finished?

RD: Sure. Um, I arrived on scene, I pared uh, I would say about probably 200, 300 yards from Pulse on Kaley. I then walked around trying to find the command post because they kept switching it up on us, you know. So I finally, when I arrived at uh, Ester and I can't remember the cross street, it was just midblock of Ester though uh, by Orange. Uh, there's one...one of the trucks is pulling out and they asked me if I was ready to go and I said yes. I jumped on the truck. And uh, I and the other officers proceeded to the west side of the building where I was put on a perimeter spot.

CB: Okay. Here's a...some, it might help you out a little to look at a floor plan of the actual building, Pulse Nightclub being north actually. And images of the exterior. If you need to refer to them while you're going through the...

RD: Um, um.

CB: ...and explain the story, you can mark it up and do what you need to. So...

RD: Okay.

CB: So go ahead and continue.

RD: I positioned myself on the west side of the building with other officers um, kind of just holding that area until we got a little bit more intel on it. Um, I guess uh, it probably seemed about 20 minutes maybe not even, uh, we had gotten word of where he was possibly at, the gunman was at. And um, somehow somebody knew where the...some of the hostages were in one of the bathrooms where we can actually get them out of. I think they were in the bathroom, I didn't...I was still holding my perimeter spot while they were my peripheral getting those people out. Since I was handgun, I didn't have my rifle on me they uh, they...I was pretty in charge in grabbing everybody and just kind of giving them the quick pat down and taking them out. So I was hands team kind of...uh, we located four people. I think they were all employees there in one of the rooms on the hallway area. Uh, got them out. Went back to my perimeter spot and uh, at that point um, we got word that there were possibly more people in one of the, I don't know if it was a bathroom. I never went inside the building so I don't know. Um, but there was an outside window unit in the middle of the wall. And uh, Officer Stanley was able to knock, was talking to the person in that room, knocked on the A/C unit, they knocked back. So we were able to push the unit in. Um, once we pushed it in and then I was pretty much myself and I think it was Sergeant [redacted] we were kind of catching everybody as they were coming out of that hole.

I don't know the exact number; I want to say seven or eight people came out of the hole. And uh, once again we got back on our perimeter spot. Um, just more intel kept coming in about possible explosives and stuff like that. Uh, I then uh, was told that we were going to breach and try to breach through a wall. So we were going to set a charge on the wall, the Orange County EOD guys arrived at that point. The plan was once the breach happens we're kind of go in there and you know, do what we had to do.

At that point the uh, breach went off but it didn't really penetrate. I think it kind of took like a...one layer from the...off the wall. Enough where we...there was kind of like a little crack. So we breached the wall using the Bearcat, the arm on the Bearcat. And once that thing was hit it just kind of, that crater that the charge set, it just kind of just all fell in one piece. So you...we have a good vantage point. That's probably the biggest hole there; that was there.

Um, we hit that hole and uh, then we hit the uh, I'll call that the center hole, then we hit one on the north side. Um, and then we hit another hole on the uh, south side of the...I'm sorry we hit the south side hole first and then we hit the north side hole after the center. And we were pulling people out of the far south hole. Um, just you know I was...this is more injured people. From the one with the A/C unit I don't...I don't remember anybody being injured. But then I just caught them and I handed them off. This one was like actual injured people that were, they weren't able to move at all, some of them weren't able to move, some just had I guess leg wounds, arm wounds and stuff like that. So at that point I wasn't really receiving, I was just basically grabbing, dragging all the way down to the street to the...uh, the brick road and uh, handing them off to patrol units who were on scene.

Uh, once uh, I think we got pretty much everybody out of that area, at that point we kind of stacked up on the building again. And um, I heard what sounded...it might have been more, but I distinctly hearing, remember hearing, three shots. Um, and I thought to myself "this is...he's going to come out, this is where he makes his last stand". And uh, I was right next to Officer Napolitano, who is the officer that got shot. And I thought to myself this is not a good area because I have no cover or concealment. We have superior fire power but I'm...I'm way too exposed and I looked to my left and to my left, I would say about 15 yards away, maybe not even, the Bearcat was there. Um, so I kind...and I didn't see anybody on my left, it was too dark. I...you know, in the midst of carrying everybody out, you lose track of where everybody's at and stuff like that.

So I go to run around one of the back trees as kind of cover and uh, as I'm running towards the tree, it's too far, the angle is not good and it was too late, so I had no choice but to kind of get behind this little dumpster right here. I mean it doesn't provide any cover but its more concealment.

CB: Okay.

RD: So I got exactly behind that...behind that, with the vantage point because I thought to myself, everybody's stacked up on this wall. If this guy just pops out straight we have nobody covering that hole that has that angle. So as I came to that uh, gar...trash can there was one of the Orange County EOD guys there. I didn't know he was there. He was ducked down. And as I get there and I'm kind of trying to look inside the hole, um, I hear...I hear more gunfire and I see a muzzle flash. And it's...I see enough of muzzle flash that I know that the guy's exactly in there. He was kind of being blocked by the brick, I could see...but then at that point he just kept, shooting and shooting and shooting. Um, our officers engaged him. And I saw our officers, from my vantage point, I saw them starting scooting back. And I thought to myself and then I saw the muzzle flash coming from the hole getting bigger. So I thought to myself, okay they haven't hit him yet. He's gaining ground on them because of the angle. I was thinking the muzzle flash from him is getting bigger so he's getting closer. He's closing ground on them and they're scooting back.

Um, at that point uh, when I saw them scooting back, I thought okay they're compromising, they need some kind of fire power directly from my point of angle and uh, then I started shooting directly towards his location. And uh, basically the threat was neutralized. I mean he went down and uh, I uh, you know, cease fire everything. And uh I hear over the radio Officer Napolitano is down. He got shot, that's what I think came out. You know, so my heart sank. So I see him walking and he's about right here and he's kind of staggering. So I holster up, I know everybody's got the scene and I run towards him. I walk him across the street to one of the parked vehicles back here where this parking lot is. And uh, I tend to him, you know as best as I can. You know and we see that the injury is just kind of flesh wound. We uh, I carried him back out, not carried him, but I escorted with another officer over to Orange Ave. Excuse me, where he was dropped off with another patrol, the TAC units and he was rushed to ORMC.

I come back and um, I come to the north side hole where we're getting people out and these people are injured. Um, and that's pretty much it. I'm just...they're handing me bodies. Kind of that's it.

CB: Looking at this floor plan this would be the...the north and the west. Um, would you be able to say where you were standing in relation to this? Or maybe this photograph here where you were by the dumpster?

RD: This is...yeah that's exactly the dumpster I took cover...

CB: That's where you were?

RD: Uh, cover behind.

CB: Okay. Would you be able to mark that with a marker and just initial that's where you were. And so that's, by that dumpster is where you were when you actually fired?

RD: Yes sir.

CB: Do you remember how many rounds you fired?

RD: Eleven.

CB: Eleven.

RD: Just cause I counted later on.

CB: Okay. Alright, um, and you said somebody else was back there with you? You said?

RD: Correct…well there was…

CB: (inaudible).

RD: …there was actually another OPD guy with me too, Officer Perales.

CB: Perales was with you.

RD: The thing was that my gas mask fell out of my pouch and I was telling him to put it back in my pouch and the guy just happened to pop out at that point.,

CB: Okay.

RD: So yeah.

CB: In relation to where you are, are you able to determine looking at this…I mean it's not the greatest image but where the hole was punched and where people were standing or where the Bearcat was?

RD: This is the west side you said?

CB: Yeah this is the west side um, of the wall, the back wall.

RD: Alright.

CB: I mean if you can't tell by this I don't want you…

RD: Yeah no, I don't…

CB: …do that so…

RD: Yeah.

CB: Alright so you were actually here uh, about how far from the wall would you say that is from the dumpster to the wall? Just an approximation from where you were?

RD: Fifteen yards.

CB: Okay.

RD: Give or take.

CB: Alright and what was the reason, what was your reason for using deadly force at that time?

RD: Well when uh, when I saw the muzzle flash our officers engaged, and the muzzle flash just kept getting bigger.

CB: Um, um.

RD: And I thought because they were offset to the wall, I thought to myself "okay he should have gone down, but he's not" so then I see the muzzle flash getting bigger through the hole that we punched and I'm thinking he hasn't gone down yet. So they're gaining ground on the team, and I see the team backing up. And I thought he was honestly going to pop out that hole because he was just gaining so much ground. And uh, with whatever that he shot at that point, they didn't put the threat down. I thought to myself he's...he's going to shoot someone, which he did...he had already shot Napolitano. And uh, he's going to pop out that hole and it's going to be, you know, he's going...they're going to be on a one on one thing and I just...the muzzle flash kept getting bigger, bigger and bigger, he's coming out of that hole and he's got enough of angle where our guys cannot take that shot.

CB: Okay were you worried that your other officers were in danger at that time?

RD: Absolutely.

CB: Okay. Alright. Um, so you shot 11 rounds. Do you remember how many shots...did you hear the shots or were you just watching the muzzle flash? Like focused in on the muzzle flash?

RD: I did.

CB: You did? How many do you remember?

RD: I don't...

CB: Coming from him?

RD: Oh from him?

CB: Yeah.

RD: Oh I don't know, I can't answer that. I have no idea. There was too many...yeah.

CB: Okay too many, okay fair enough. Um, let's see. Anything?

AW: Nah I'm alright.

CB: No?

KF: No questions.

CB: Any questions?

RD: No sir.

CB: No? Anything I didn't ask you that you might feel is relevant to the case?

RD: Um…

CB: Or anything you want to say?

RD: No I mean just…no I guess the muzzle flash was…and him coming out. No I'm good. I pretty much said everything to you.

CB: Alright so if you can just uh, sign this one and put a date next to it, just since it was marked up. And that's it. That concludes the interview at 3:56 p.m.

/cf **11/15/2016**

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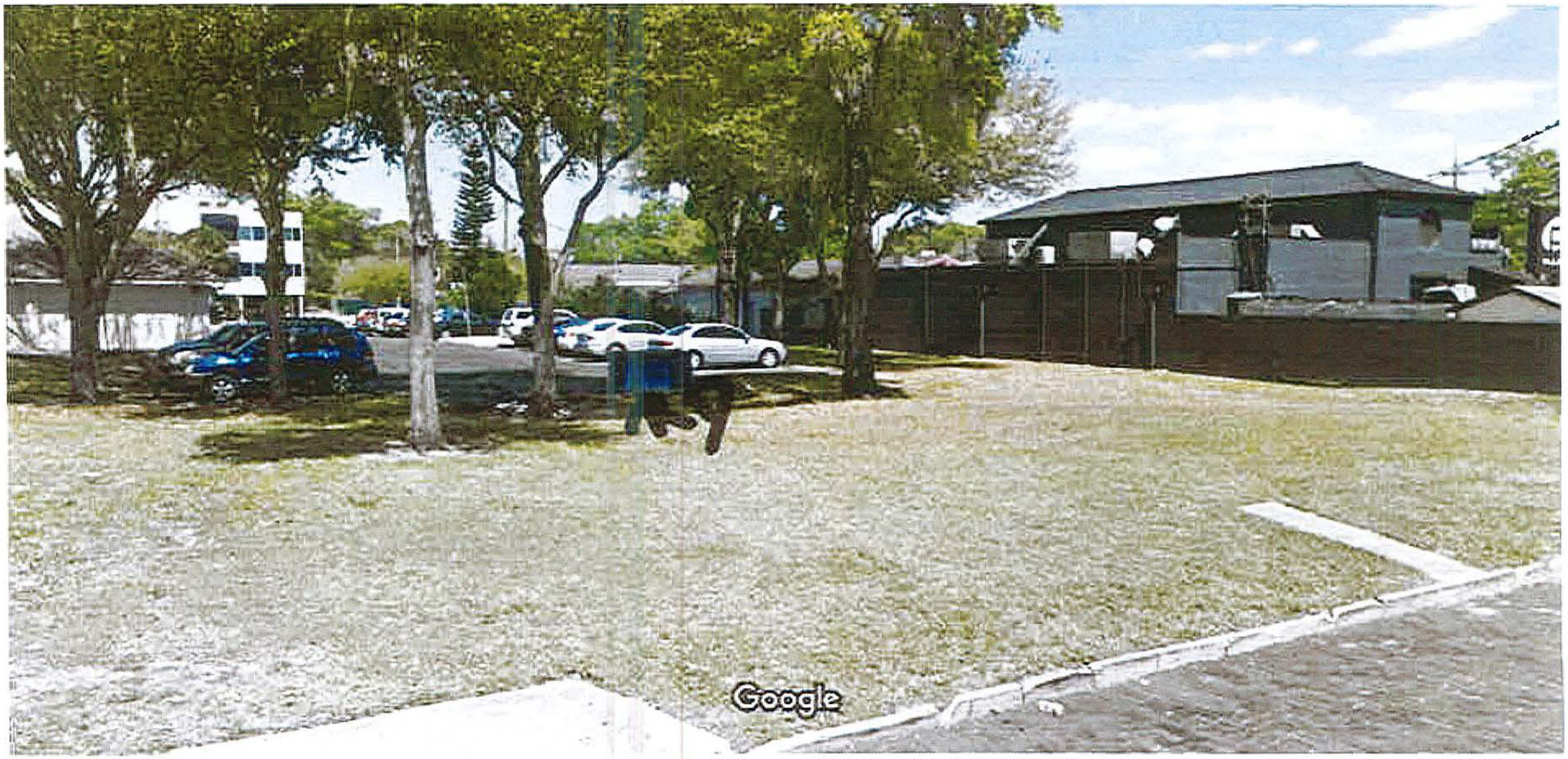

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Orlando, Florida

Street View - Mar 2016

6/17/16

INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**Officer Andrew Bishop**
STATEMENT TAKEN BY:	**FDLE Special Agent Afonso Williams** **FDLE Special Agent Craig Beers** **FBI Special Agent Kevin Farrington**
LOCATION TAKEN AT:	**FDLE Orlando Regional Ops Center** **Orlando, FL**
DATE:	**June 17, 2016**
RE:	**IR16-46**
ALSO PRESENT:	**Attorney Jason Bankowitz**
STATEMENT BEGINNING TIME:	**1605 Hours**

AW: We're on tape, Special Agent Afonso Williams of the Florida Department of Law Enforcement. Today's date is June 17, 2016. Time is approximately 1605 hours. I am at FDLE Orlando Regional Operations Center reference to FDLE case number OR-27-0258 which is a police use of force investigation that began on June 12, 2016 at the Pulse Nightclub located at 1912 South Orange Avenue. I'm conducting the interview with Officer Andrew Bishop of the Orlando Police Department. Conducting the interview with me is FDLE Special Agent Craig Beers and also FBI Special Agent Kevin Farrington. Also present in the room is Jason Bankowitz, Officer Bishop's legal counsel.

Officer Bishop just for the record, I just want to clarify that this is a voluntary statement be given as part of the criminal investigation into the shooting and that you are not being compelled at any time, any way to provide a statement, you understand?

AB: Yes I do.

AW: Anytime during these procedures if you don't want to talk just let me know and we will terminate the interview and you're free to leave.

AB: Okay.

AW: Okay. Do you also understand that this is a voluntary statement being taken as part of a criminal investigation and not an Internal Affairs administrative statement?

AB: Yes I do.

AW: Okay. With that said can I get you to raise your right hand? Do you swear the testimony you are about to provide is the truth, the whole truth and nothing but the truth so help you God?

AB: I do.

AW: Okay. Prior to this interview did you review any type of video or audio recording as it relates to this incident?

AB: The only, no video or audio other than what was on the media, television, news.

AW: Okay. On the day…on the day of the incident were you um, I'm sorry. How long have you been employed by OPD?

AB: Uh, 21 years, December will be 22.

AW: Okay. And on the date of the incident were you performing your duties as a police officer?

AB: Yes I was.

AW: What was your current assignment?

AB: I am a grenadier with the Orlando Police Department SWAT Team.

AW: Okay so were you off that day?

AB: I was, yeah…

AW: Prior to the call out?

AB: …yes, technically I was off.

AW: Okay. What was your current duties if you're not on a SWAT callout?

AB: I'm a school resource officer.

AW: Okay. Okay so when…when you did receive the SWAT callout what uniform were you wearing when you responded?

AB: Oh okay when you said I had received it, I was in bed.

AW: Oh.

AB: I was in the multi-cam BDU's if you want to call it.

AW: Okay. So it's your SWAT tactical uniform?

AB: Yes.

AW: Okay. When you responded what vehicle were you driving?

AB: I drove the uh, my police cruiser, the Crown Vic, marked Crown Vic.

AW: What weapons, weapon or weapons were you carrying?

AB: I was carrying my issued handgun along with my SWAT issued rifle M…M4.

AW: Now your issued handgun?

AB: Uh, Sig Sauer.

AW: What caliber?

AB: .357.

AW: .357. Okay…

AB: Let me turn this off.

AW: Okay .357, how many magazines were you carrying?

AB: Uh, I had one in the…one in the handgun; I believe I switched out that night. I believe I removed the two um, (inaudible) rounds on my vest and I believe that I put the two handgun magazines just at right before I got…I walked to the scene.

AW: Okay.

AB: So I should have a total of three handgun magazines.

AW: Okay how many rounds in each mag?

AB: Uh, twelve.

AW: Do you top off?

AB: Yes.

AW: So it would have been twelve plus one.

AB: Plus one.

AW: The one that was in the…

AB: The one that was in the chamber for the handgun.

AW: What about the M4, how many mags?

AB: Um, I had one in the actual weapon. Four on the front pouch, um, I had two on my leg uh, drop leg uh, carrier and I believe I had two additional mags um, on my vest, in the pouches on my vest.

AW: So you had approximately nine?

AB: Um, four, five, six, seven…yeah probably around nine.

AW: Okay. Um, rounds in each mag?

AB: Twenty-eight is what I should have in every magazine, in each of the M4 magazines.

AW: Did you have one in the chamber?

AB: Um, no what I do is when I get on a scene I load the mag and then chamber a round so it should be 28 total in the…in the rifle.

AW: Okay. Now from beginning to end I'm going to turn it over to you. And um, my question is how did you become involved in this incident and when you arrived on scene what occurred, what all you did, what all you saw.

AB: Okay.

AW: So I'm going to turn it over to you now. And what I'm…have is some diagrams.

AB: Okay.

AW: (inaudible) from Google. This right here is the sketch of interior…

AB: Okay.

AW: …of the nightclub. And these are some maps that you can use. Here's a marker so if you want to track your location.

AB: Okay.

AW: You can.

AB: I'm trying to determine what this…this photo is.

CB: It's the south side of the…the building. So it would be looking at here.

AB: Oh, okay looking at here, okay. It just looks funny.

CB: just for…yeah it's a Google map.

AB: Got you.

CB: So that should be double doors and a window.

AB: Okay and that window that was broken, okay got it.

AW: Okay so we'll turn it over to you sir.

AB: Okay um, got the page sometime at uh, or I should say a text message come across my phone with a text message sometime around 2:00, it woke me out of bed. Um, a little after 2:00 woke me out of bed. Um, and I asked my wife to double check, to take a look at it cause I had only two hours sleep. I jokingly said "Am I being punked" because of what was the text message was. And um, I got up and went into my walk-in closet immediately took my issued radio and I turned up, turned it on the SWAT channel. Um, I wasn't hearing anything on the SWAT channel. Um, and that concerned me cause normally there's chatter about equipment, who's grabbing the trucks and I wasn't hearing anything on the SWAT channel. And um, I didn't understand. And um, eventually got dressed and told my wife I loved her and I told her no news is good news for us. And um, as I, I don't remember exactly where I...I mentioned it on the radio but I said uh, I told...I went 10-8 on the radio with my...my Whiskey number. And um, I said "I'm 10-8 and I'm enroute from Winter Garden". I don't normally say that but the reason why I said that was because um, normally somebody's already made it to the trucks. And you hear that the trucks are coming and where they're going. And I remember just like gosh I'm not hearing anybody picking up the trucks. And so somebody said alright and so I head towards um, Primrose our substation to pick up the vehicles, to assist with getting the armored vehicles.

And about um, I think I exited the 408 to head to Primrose and somebody said the trucks are good so I made a u-turn and I went back down um, south to get onto uh, Orange to go southbound. And when I got southbound on Orange I remember pulling in and seeing a hell of a lot of police lights on Orange Avenue. And I uh, pulled up next to Officer Ring, a motors officer and I said "How do I get to Ester" I was trying to figure out because of the...all the cars on Orange. And uh, he was trying, I mean I don't know how but side streets. Alright so I...I drove around and I don't remember what the...the side street was. I just made my way till I got to Einstein's. And when I got in that area saw a large amount of people, I saw a triage going on and that was the "Oh crap it's you know, it's...bigger than I had imagined".

I pulled in past Einstein's and there was some business on the back, the south end of it on the east side of the road there. I pulled in, I parked the...my vehicle and eventually Officer Tim Stanley came and parked near me, about one car length away from me. And got dressed listening to the radio and um, I don't remember if somebody told me or over the radio or directed me, they said I need to get to Captain Canty who was over near the Dunkin Donuts, in that area. I got dressed um, and walked southbound and before I got, before I began walking westbound towards Dunkin Donuts I recall um, chambering a round. Cause my thought was "alright before I even cross the street I'm going to make sure I'm hot". Um, so I chambered a round in the M4, my handgun was...was hot. I chambered a round in the M4 and I removed the mag, looked at it and basically um, it should line up opposite. So if I...when I chambered a round whatever on the right should now be on the left, as being the top. That's my basic rule for making sure that the round did chamber. And I...cause I remember mentioning that to Officer Perales, Mike Perales.

Um, went over to um, meet with Captain Canty and um, was directed, and I don't remember if he told me directly but um, or somebody else did but had to go help Officer, excuse me Lieutenant

Scott Smith. Um, Lieutenant Smith was roughly at the, let me borrow a pen, in this area of the front door. The main entrance of the...of the nightclub. And there were several other officers to include what looked like an Orange County deputy in a SWAT uniform and another officer from another department. I don't recall. I just remember seeing a patch and looking at it and going that's not one of us. Um, they were rescuing an individual...rescuing an individual that was in this area. I remember them pulling him out, a male, white male, dragging him out in the...in the parking lot area here to the front of the business. Um, blood was in this area, they pulled him out. I remember him being taken off by other officers. I don't recall who they are. I took a position here um, after uh, I don't recall who the officer, it was Officer...Officer Hank Wong was up here originally. And I was told to take the position here. I could see that there was someone in this doorway. Um, I saw movement and I asked, I said just to make sure, I flashed my light and I said that is us. I wanted to make sure that was a SWAT officer. And it appeared to be that...that there was a SWAT person down in this area.

Um, eventually you know, we...we held and at some point in time uh, I was relieved, we were self-relieving on the point positions here. I was told that based on the diagram here it appears that this was the area we were focused on that um, the suspect had shot around 20 people is what I was told, 20 individuals. And was held up in this...this area, looking at the diagram here. Um, and I said okay and I remember when I was at point at some point in time, um, I was relieved and somebody else took my position. Uh, at some point in time I was talking to Lieutenant Scott Smith and um, when they mentioned the amount of um, victims he mentioned that um, you need to go inside. And I said "really". So um, Lieutenant Smith took me into what I believe was this route. I walked here, through here, the glass was already broken. I walked in here and I think when I passed here there was uh, a body in this area. Appeared to be a male. I made it to here um, cause I remember there being a closet of some kind over here and I stood and I looked uh, I can only explain there's bodies everywhere. Bodies on the stage, bodies, I mean...throughout the nightclub. I mean it was...um, something out of a movie. Um, I could see that there were M4 magazines, what appeared to be M4 type magazines on the floor in this area. I came back out um, and took a position and eventually the APC was brought up, our armored vehicle, was brought up into this area. And um, at some point in time I was once again up at point, relieved and later on um, Detective Raul Rivas came up. And I was in the back talking to Detective Rivas and at some point in time I said "you need to go in there and see what's going on, you need to see what this is about".

Um, I took Detective Rivas in here and um, um, he...he was upset. He got pissed off for lack of a better term. Came out cause it's...it's you know surreal. It was unbelievable. Came back out and we were on this position self-relieving back and forth, um, using the armored vehicle as cover. At some point in time um, we were getting intel that possibly a bomb was in the car. I'm listening to the...the radio, in the suspect's vehicle that was parked somewhere on the north side of the...the um, the nightclub or on the north...north of the nightclub. Um, we were also hearing that the suspect was um, using the clicker and the lights on the vehicle was flashing as if trying to set off a device of some kind um, over the radio. And you know time doesn't really matter so you're not...I don't even know if I even had a watch on that day I was in...you know, time was irrelevant. At some point in time, for us anyway, at some point in time there was word that um, the suspect was in communication with someone. I don't recall the dispatch. And at some point in time mention that there were...he was going to send out four individuals with vests and they're going to take different sections of the...of the um, the nightclub.

Um, we talked about it. I don't remember who I talked to but I remember the thought was alright we might have to shoot the person but we're going to try and not shoot in the head...I mean try not shooting the body because if they're wearing a vest. So...cause we were self-relieving like I said. So um, there was a couple of us back here. The vehicle um, the commanders decided to back the vehicle away from directly in front of the front entrance which was probably more of an angle where this SUV is in here. The vehicle was backed all the way out to where we were one the um, the brick. I was standing for the majority of the time on the...um, let's call it the passenger side of the vehicle taking cover. There was word that our sniper was able to see and hear um, and would assist us you know, um, if need be. So um, when I saw...I'm talking the double doors, was able to see into the double doors and I don't remember how far...I imagine all the way to where he could see into the...the restroom.

Uh, word came out that we've got EOD on site and you know EOD was going to breach or try to breach uh, one of the bathrooms. Um, Lieutenant Smith made the countdown I recall that. I may...I remember the uh, the explosion going off. Nothing that we were not familiar with. And the thing that was kind of alarming is when we realized we were told the hole wasn't big enough or it didn't work or you know and that was the...dammit factor. So um, I remember, let me go back, I remember while I was here at one point um, Officer Stanley was in this area and I don't know where he was able to recover it but there were several victims who were um, hiding backstage I guess. And we were able to pull them out cause when I was here I remember the thing that kind of sucked for us here was now I'm in a crossfire situation with this guy. If he comes out here and um, another team member here, it was just you know, the nice thing is Officer Stanley and another group of guys were able to remove several of the individuals from this backstage area.

Um, going back, so the breach was made, I was not on this side so I had no idea where um, what it looked like. At some point in time um, they were manually breaching this area and I saw victims who were in here starting to run. I was...I'd say this area I could see them coming past the fence line and I was here. Um, at some point in time Lieutenant Bigelow mentioned that or made reference to the fact that "I need people from the south side". Um, I told the guys here, I believe I said "I'm going out" and I made my way up and around this...this appears to be the driveway here. I made my way up and around. Kind of like in this area at first, and um, yeah kind of like in this area first. And as ambulatory victims came out I directed them um, and...towards I guess we had a couple of patrol guys I believe that was in that...there were other officers in that area that were taking them, most of the officers were still on the other side of the brick street.

Uh, Stan...Officer Stanley and some of the other guys were still continually manually trying to punch holes in the wall. I made my way up closer and...I go up closer to this area and at some point in time, um, we were able to pull additional individuals out and was trying to remember um, how the whole thing, the timeline for victims coming out. They were...I mean they were just coming out. At some point in time um, I ended up a little bit closer to where the...the APC was which was pointed in this direction. Yeah facing um, eastbound and was punching holes into the...the wall. At some point in time I remember hearing gunshots and it...it sounded as if it was coming from the north side, I'll call it the northwest side of the nightclub. And um, there were several holes in the...in the building by now. And my main concern when I started hearing the gunshots was okay, um, he's probably shooting victims, you know hostages. And I remember Officer Stanley um, and some of the other guys breaching one of the walls on the...on the west side of the building by either pushing in or pulling out an air conditioner. Cause I remember there was some discussion about four hostages trying to push the air conditioner out and officers trying to push the air conditioner in. But I remember the gunshots started on the inside. I looked up and I could see what appeared to be the hole where the air conditioner was. Um, I wasn't quite uh, certain where all…what all the holes were for what, for what bathrooms, cause by the time I came on…on the uh, on that west side of the building um, there was no discussion of this is…it was, we were just trying to pull victims out. So I wasn't certain where um, the suspect was and which area he was at this point in time. But um, the whole idea was we believed he was up somewhere on the northwest corner of that hole area. That being said I remember looking up at the hole where the air conditioner unit was thinking um, "that SOB is going to start shooting at us from that hole". Um, cause I had just…you know, and not…not familiar with the entire layout of the west side of the building. I looked up and um, I remember seeing what appeared to be, by then I was…closer to 90 degrees, not completely 90 degrees on the building but I was…I was working my way this way and closer to…to 90 degrees. And I remember seeing a shadow coming, what…what appeared to be coming through, from the…the um, the holes in the wall. I could see some movement, not knowing if it's a victim or suspect. So I'm looking and trying to figure it out. At some point in time I saw a shadow and what appeared to be a handgun. That's…you know, almost you know, almost directly in front of me. Um, and at some point in time after that I remember seeing muzzle flash. And when I saw the muzzle flash I said dammit, I'm thinking to myself, I remember just, "he's shooting at us". At that point in time I remember um, trying to take aim and I just started pulling the trigger, aiming at where the muzzle flashes were.

Um, at some point in time after that um, Lieutenant Scott Smith yelled "cease fire". I stopped firing and um, dropped, I remember yelling "reload". And I dropped my mag, I was trying to do an administrative reload cause I wasn't sure if I was even empty. So I grabbed my mag and I was trying to force into my either my back pocket or my cargo pocket on the side. Being that I had the pouch on my leg with the two magazines, that's probably where I was trying to go and it wasn't working. So I remember trying to…um, save that magazine. I got to the point where I said to hell with it and I just dropped the magazine. Then I grabbed a magazine from the leg pouch. I loaded it…loaded the magazine and um, I was…um, paying attention to what was going on with uh, with Lieutenant Smith and I…Lieutenant Bigelow, at some point in time the EOD guys were mentioning that um, there is an active device. I remember there was talk about um, what looked like a bomb or some type of device on the suspect's body down by his legs. I heard them say legs. Um, I didn't see the…the suspect body, the suspect's body or the device but EOD, one of the…or the Orange County EOD guys, took a position in front of the hole where the…the downed guy was at some point in time. Um, and he was telling or screaming for us to stay back, stay back. And as we were calling up patrol, cause now the patrol guys were trying to come and help because we're still trying to get victims out. Um, patrol guys were running up and he, EOD um, detective was trying to keep us back.

Um, we went back to manually trying to breach holes. Um, Officer Stanley and Sergeant [redacted] actually entered um, the building through the holes and uh, started pulling and um, convincing some of the victims to come out. There were folks that were just still scared, had a difficult time walking, um, pulling them out. Uh, and I remember um, um, individuals, you know, telling me as they come out um, that they were shot. And there was a young lady who asked me to…that her sister was still in there.

AW: Take your time.

AB: I told her I would get her. I forget…all I remember it was a black female. So…um, sorry. And um, we uh, kept pulling the victims out till I…I think the word was "there isn't any more I think the rest are dead". I think that's what the call was made and we uh, we backed away and EOD had…had the scene and um, I remember um, I think it was Detective Rivas said "I dropped my mag" and I said "Brrr…to hell with it". So um, cause I remember I said "mine's still there".

Um and um…and then we went and huddled and uh, Lieutenant tried to make sure, asked who…who fired. And I said "I fired". And I said "I remember firing". And he uh, huddled us together so…to make sure we had a correct count of the officers that fired that night.

AW: Okay. Pretty much ended your involvement?

AB: Um, pretty much and then uh, yeah we were…for the most part that was the end. I was…I was done. We were…walked on the other side of the street and we waited for further instructions on what to do and were told to wait for uh, um, instructions and we were told to go to Primrose and wait. And we waited there for Internal Affairs.

AW: Okay. Just I'm going to back up just a little.

AB: Okay.

AW: Uh, when you arrived on scene, once you got instructions, your first position was here. So I would say at the south entrance?

AB: Yes sir the south entrance the double doors, that would be…from facing the double doors to the left. I took a position behind um, several officers who were in line.

AW: Let me get you to put your initials here. And put a number one. Okay so you held that position.

AB: Correct.

AW: Then you was told by uh, Lieutenant Smith to go inside.

AB: Yeah at some point in time I was…I relieved Officer Wong that was there initially. Um, then I was relieved. I was hanging out kind of like by the back of the armored personnel carrier and then yeah, Lieutenant Smith said "You've got to see" and I um, and he escorted me to the dance, not to the dance floor but I guess, whatever you want to call it. I guess the opening near the stage and dance floor area.

AW: And when you went in there you saw bodies?

AB: Bodies.

AW: Everywhere?

AB: Bodies everywhere.

AW: Okay. At some point you came out uh, then you assisted with...assisted with helping the victims out?

AB: Yeah I came around and uh, this was after the um, the attempt at the explosive breach. Um, after they were able to...I think they were manually, victims were coming out and Lieutenant Bigelow said "we need more people from the south" I came around and I was standing probably at um in this area here.

AW: Okay put your initials somewhere in there. So you was on the southwest corner?

AB: That's correct.

AW: Okay.

AB: Number two?

AW: Yeah we'll put two there. Okay and you said the Bearcat was somewhere?

AB: The...the um, the smaller of the APC was still in this location.

AW: Okay.

AB: The other APC was somewhere in this location. It...it moved a couple of times, I'm not quite sure exactly where it was. But uh for the majority of the time it was facing directly at the wall.

AW: Okay.

AB: (inaudible).

AW: And you saw holes in the wall...

AB: Yeah.

AW: ...that was from the Bearcat?

AB: Um, there were holes in the wall. I...I...to be honest with you I don't if all of them were from the Bearcat. I know what appeared to be the first hole, I believe was that from the explosive breaching. Um, there were some smaller holes. Um, and I'm not sure if it was the Bearcat, I'm...I can only assume was the Bearcat that they started with and then maybe used a ram.

AW: Okay. So from your position you saw a hole in the west, the most west wall of the nightclub?

AB: Yes.

AW: Far west. Um, at what point did you hear gunshots? Cause you said you heard some gunshots inside?

AB: Um, I recall moving closer up to assist and um, I'm…I'm thinking I probably in this area.

AW: Approximate, approximate, yeah you can put your initials there.

AB: Yes.

AW: We'll go three.

AB: Um, I'm thinking I was in that area.

AW: And you heard; do you know how many gunshots you heard from the inside?

AB: Um…

AW: Approximately?

AB: I'm…I'm thinking approximately five.

AW: Okay.

AB: Alright. And then when I heard the gunshot I remember focusing in this direction because of uh, what I saw appeared to be the opening for the A/C unit I remember seeing a hole in the wall high. And I kind of moved more out this way in trying to focus on the hole.

AW: Okay. So let me get you to put, so four should be somewhere in that area?

AB: Yeah.

AW: Okay so at what point you saw the muzzle flash?

AB: I was almost directly um, in front of I think the larger hole and I saw what appeared to be a muzzle flash. From my perspective it looked like um, the flashes were toward this direction.

AW: Okay. So the muzzle flash was; you saw the muzzle flash going towards this direction?

AB: Yeah it appeared to be going this way.

AW: From out, from in going out?

AB: Yea…well I…because of the wall and being so dark I couldn't tell if he actually reached out or he was shooting from the inside. It was hard to tell. I remember just seeing muzzle flash.

AW: Okay.

AB: And thinking "he's shooting at us" yeah.

AW: And so how many, do you remember how many rounds you fired?

AB: Um, no.

AW: Approximately?

AB: No, um, no.

AW: Okay. Did you hear, did you...do you know how many rounds he fired? His second volley? As we'll call his first volley here that you witnessed?

AB: Yeah.

AW: But you, you saw muzzle flash?

AB: Yes. I'm...I have no idea...I'm going to say maybe at least five. It...you know, he probably shot the five and that's probably when um, I started returning rounds, as they were quick.

AW: Were a lot, any other person, did any other operator fire rounds?

AB: Oh uh...

AW: To your knowledge?

AB: Yes.

AW: Okay.

AB: Um, as for who fired I don't...I don't...I wouldn't be able to tell you. But because of where I was and focused on the hole um, I...no I couldn't tell you who fired. But there were definitely other officers firing around me.

AW: Was anyone struck by any rounds from the suspect?

AB: Um...

AW: To your knowledge?

AB: To my knowledge, after the...the initial um, after we returned fire and after the cease fire by Lieutenant Smith um, I heard that Officer Napolitano was hit. Um, I remember trying to look at the group that was in this area of where I was and I remember trying to focus at the group in that area. And Officer Napolitano was standing and uh, and I remember thinking to myself "good" and as I...they said it hit his helmet or something to that effect. And I walked over and I remember looking and he was talking to Officer Stanley and I'm "Okay he's alive, he's okay" it did hit his helmet. So um, I was relieved, so the question yes. Um, one of the officers was hit during the exchange of gunfire.

AW: Okay. Uh, and the reason, what's the reason why you used deadly force?

AB: First of all, I was in fear of the officers who were standing and still trying to rescue victims were being shot at. Not only that I was in fear that he was going shot more innocent victims and also I was in fear that eventually he was going to shoot me um, in an exchange of gunfire.

AW: Okay.

CB: Just a...from...just an approximate, how far were you from the...from the wall? Looking at this sketch? I'm just trying to figure, how far do you think?

AB: Twenty to thirty feet.

CB: Okay.

KF: The only thing I got is um, how long have you been on SWAT? You said twenty-plus years?

AB: Um, the Department will be twenty-two in December, uh, SWAT, I lost track. I think I'm around fifteen years now.

KF: Okay so you've been to probably an extensive amount of active shooter training and have probably received a lot of training on like the mindset and tactics and capabilities of the individuals that do this stuff.

AB: Yes sir.

KF: So um, and then based upon your arrival there and seeing the carnage that had already occurred um, were you receiving any intelligence about some of the calls that he was making and he was...

AB: Yes sir. Um, the nice thing is they were continually briefing us over the radio about what was going on. Um, I uh, remember hearing that he had called dispatch or somewhere and had made allegiance to ISIS or something to that effect. Um, and um, along with the threat that he was going um, send out hostages in bomb vests.

KF: So he had showed a degree of for lack of a better term, sophistication, knowledge and planning that far exceeds what you usually see?

AB: Yes sir. Along with the fact that I saw empty um, M4 magazines around the bodies.

KF: Which would indicate to you that he was also capable of putting accurate and high volumes of fire towards you guys right?

AB: Yes sir.

JB: No questions.

CB: I don't know if you...did he ask you how many rounds you think you shot?

AB : Um...

CB: I don't know if he asked, you did.

AB: Yes he did.

CB: Okay. Um, the uh, did you hear the…the guy shooting, did you hear him saying anything at all during your whole time there?

AB: No I don't recall him saying anything.

CB: No okay.

AB: Yeah.

AW: Okay. If there is anything we failed to ask that you think you would be pertinent to this investigation?

AB: Um, no not at this point.

AW: Okay. Um, what I'm going to get you do is if you can sign and date…I think that's the only one you marked on.

AB: Today is the?

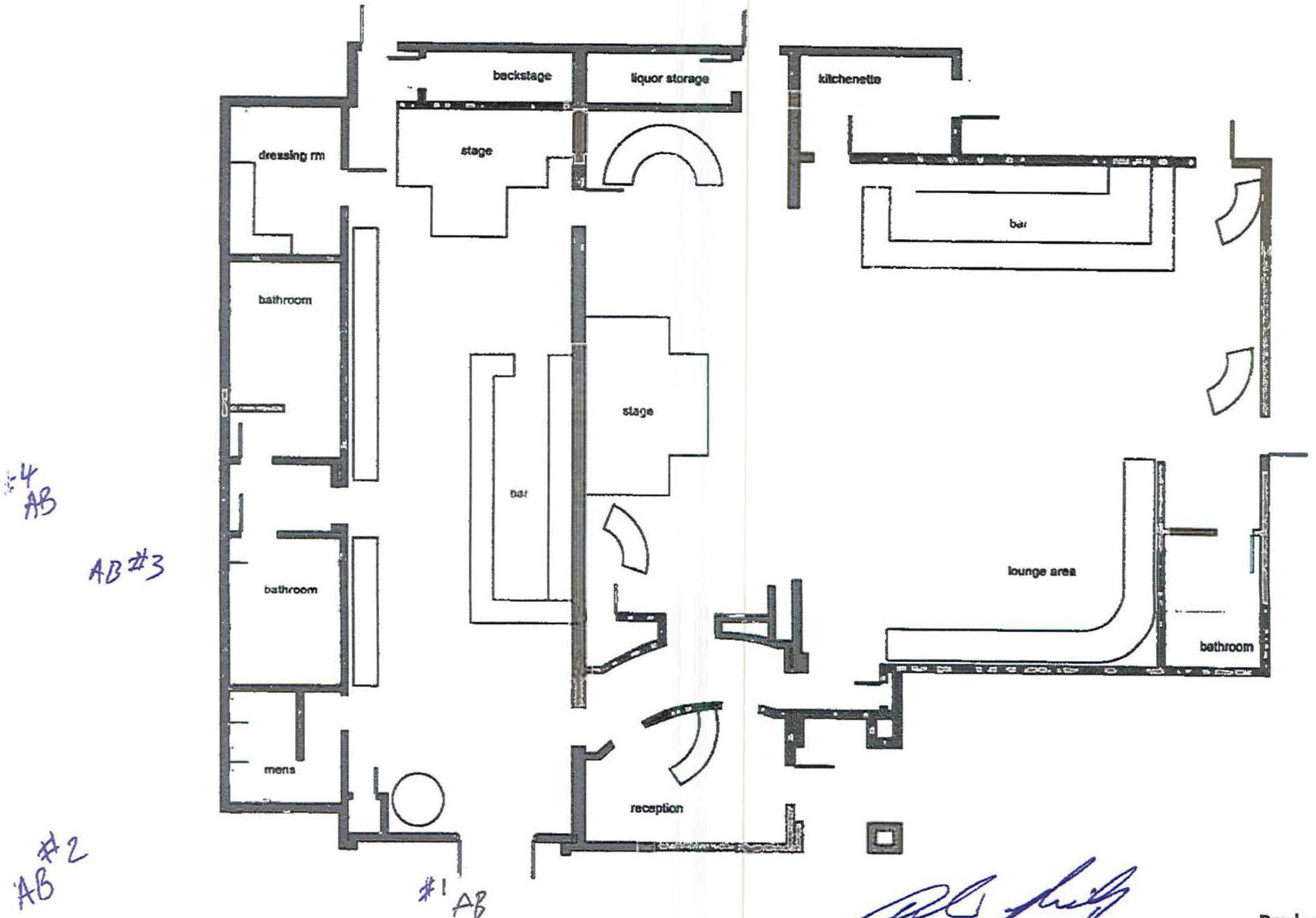
CB: 17th.

AB: 17th okay.

AW: Alright the time is 1645 hours. We're going to conclude this interview.

/cf **11/15/16**

Pulse Nightclub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6/17/16

Produced by the FBI Laboratory
16 June 2016

INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**Officer Michael Napolitano**
STATEMENT TAKEN BY:	**FDLE Special Agent Craig Beers**
LOCATION TAKEN AT:	**FDLE-Orlando Regional Ops Center**
DATE:	**June 17, 2016**
RE:	**IR16-46**
ALSO PRESENT:	**FDLE Special Agent Afonso Williams** **FBI Special Agent Kevin Farrington** **Attorney Jason Bankowitz**
STATEMENT BEGINNING TIME:	**1648 Hours**

CB: This is Special Agent Craig Beers of the Florida Department of Law Enforcement. Today's date is June 17, 2016. The time is 4:48 p.m. I'm at the Florida Department of Law Enforcement, Orlando Regional Operations Center in reference to FDLE case number OR-27-0258 which is a police use of force investigation that began on June 12, 2016 at the Pulse Nightclub located at 1912 South Orange Avenue in Orlando. I'm conducting an interview of Officer Michael Napolitano of the Orlando Police Department. Also conducting the interview with me is Florida Department of Law Enforcement Special Agent Afonso Williams and FBI Special Agent Kevin Farrington. Also present in the room is Jason Bankowitz, which Napolitano's legal counsel.

Alright Michael for the record I'd like to clarify that this is a voluntary statement being given by you as part of the criminal investigation into the shooting incident and you're not being compelled in any way to provide a statement. At any time you wish to stop talking or consult with your legal counsel feel free.

MN: Okay.

CB: You understand?

MN: Yep I do.

CB: Okay and do you understand, just to clarify this is a...for the criminal investigation portion of it and nothing to do with the administrative part.

MN: I understand.

CB: Do you understand? Okay. Can you raise your right hand for me? Do you swear and affirm that the testimony you are to provide is the truth, the whole truth and nothing but the truth so help you God?

MN: I do.

CB: Alright. Uh, prior to this interview have you reviewed anybody cameras, audio or videos relating to the incident?

MN: Yeah I've heard, uh, some audio portion that somebody, I think non-law enforcement just a victim or a bystander recorded. You can't really see anything; you just hear gunfire and some yelling. And I was able, actually able to see some of the video from the Chase, the helicopter.

CB: Okay. Where did you see that?

MN: Our gun range.

CB: The gun range, okay.

MN: Yeah.

CB: Um, who directed you to watch any video or did anybody direct you to do that?

MN: No I was, it was (inaudible) yeah.

CB: Okay and the…the Chase video, what did you see from there? I mean anything…

MN: Um, it was basically just the uh, when we engaged him, the shooting.

CB: Okay.

MN: You can't see…it's kind of there, it's a certain angle so you can only see…

CB: Okay.

MN: …certain things.

CB: Alright and the audio you said was from somebody inside the building?

MN: Or someone outside I think. I think, you can't see, it's like super dark but it sounds like they're outside trying to film it.

CB: Okay.

MN: And you can kind of, it's like on the Internet everywhere I think.

CB: Okay. Alright. How long have you been with the Orlando Police Department?

MN: Uh, four years, it was actually that Saturday like night.

CB: Oh okay.

MN: Four year anniversary yeah.

CB: Alright and what are your duties for Orlando Police Department?

MN: Um, my primary duty is I work downtown um, on the Downtown Bike Squad, Community Policing Division. And then I'm also on the SWAT team, it's like an auxiliary unit.

CB: Alright and how long have you been on SWAT?

MN: Uh, coming up on a year also. Um, anniversary's coming up like June 22nd.

CB: Okay.

MN: So yeah.

CB: Alright the night of June 12th were you working your normal duties or were you off that night?

MN: I was off duty.

CB: Okay.

MN: I was ordered actually to work downtown for that detail so I was…I don't how familiar you guys are with that. Basically you know, downtown gets pretty busy so they hire officers to stand basically at the corner, a couple each. And if they don't get enough they order people to fill those spots.

CB: Where were you working?

MN: Orange and Central.

CB: Okay.

MN: Yeah.

CB: Um, how were you dressed that night?

MN: I was dressed in my uh, it's called the Class C. like the blue long pants, short sleeve shirt.

CB: Okay. Is it like a polo or is it the uniform?

MN: Yeah it's a uni…you know, it's like the…you know, it's collared but it's like a uniform.

CB: Okay. Any insignia on it or anything?

MN: Yeah like a my name, the badge, uh, you know…I don't wear that one that much so I can't like just rattle off but yeah just the standard basically.

CB: Okay.

MN: You know police uniform.

CB: Alright um, and when you responded to this scene, how did you learn about that? I mean what made you respond there?

MN: Uh, I just heard on the radio the…there was a Signal 43 on the Patrol East, a different radio channel than we were on. So obviously we flipped over. Um, and we just heard, you know, officer calling out shots fired. So our, actually the supervisor was there, I was like "hey we're going to go" he's like "Yeah go". So…that's how we heard.

CB: Alright did you wear the same uniform to the scene that you had (inaudible)?

MN: Yeah I uh, yeah I wore that straight there. I had a…obviously had a vest, like a light vest under the uniform.

CB: Um, um.

MN: Um, but yeah that's what I wore to the scene.

CB: When you get there did you change or anything or did (inaudible)?

MN: The only thing I did was I grabbed my UNP and an extra magazine from the trunk.

CB: And your UNP is your rifle?

MN: For SWAT yeah.

CB: SWAT rifle?

MN: Yeah and took an extra magazine in my pocket. Just like…cause we don't have the cargo pockets or anything in our blue uniforms.

CB: Okay.

MN: So I kind of put it in this left pocket here.

CB: Okay so at that time you're still wearing the same uniform you were wearing?

MN: Yeah.

CB: At the club or Orange and Central?

MN: Yep.

CB: And you have a rifle, do you have a handgun on you also?

MN: Yeah I have my handgun.

CB: Okay

MN: And my mag, yeah two magazines for that handgun also on my belt.

CB: Okay. And what type of handgun?

MN: It's a Sig .357.

CB: Okay and how many rounds in each mag?

MN: Uh, twelve.

CB: And do you top off and chamber one?

MN: Yeah.

CB: Okay. Um, what about your rifle, how many mags did you have on your person?

MN: I had one in the rifle and one on me.

CB: How many rounds in each?

MN: Twenty-five, should be twenty-five.

CB: In both?

MN: In each, yeah.

CB: Okay. Alright and what type of rifle was that? You said a UNP?

MN: UNP yeah.

CB: Okay. Alright…so you get the call while you're out at Orange and Central and what happens from there? Go ahead and give me the rundown.

MN: Uh, start driving there and I mean honestly you know, shooting at a club isn't totally like uncommon. So you're kind of like "oh we're going to go but this guy's going to long gone". You know some beef or something stupid and this guy's going to be on like I-4 by the time we get there and then you know. Listening, the officer is still calling out "like he's still shooting" and we're like "oh crap this is like…this is serious". You know so we get there and um, still hear him calling like you know, "we need people, we need people". Uh, get out of the car, you know grab my gun, grab the extra mag. I started approaching the building; see uh, some victims, hear some shots being fired. I remember some other patrol guys had challenged somebody on the side of the building but he ended up just being a victim. I mean seemed...I mean he was injured so...figured he was victim so then I moved around to the front of the building.

CB: Okay. Alright. Here is an overview shot, aerial shot of uh, and Google maps and...

MN: Okay.

CB: And the front of the building um, the south side, um, west side and this is the back, west side building and this is actually a floor layout. I'm not sure if you...

MN: Okay cool.

CB: ...were in it but this is uh, would be north, where Pulse Nightclub is?

MN: Got you yep.

CB: The west side and what have you. So um, so you show up where...where do you initially go in relation to uh, to the building?

MN: So we came...we came from the north. So I would have parked like south of the building. Um...

CB: Okay.

MN: ...like maybe not even a block but you know, you know I didn't want get right up on it. Um, so I ran up and uh, let's see what the best one to maybe this...to the south, okay... so first...that first guy was kind of challenged somewhere around here that ended up being a victim. And this is right by the building. I remember that and then as soon as I realized that he was really in play, came up this way.

CB: So you're on the north side of the building at this time?

MN: Yeah, yeah.

CB: Cause this is...okay.

MN: Yeah I parked like north, like somewhere like you know; I don't know the scale but you know.

CB: Okay.

MN: So came up saw that; came around to the north side of the building. Um, and kind of ended up linking up with a few guys who also were just arriving. Um, I guess somewhere around here. I can't say exactly. And uh, I started getting ready to basically go and make entry. And I remember hearing, I can't remember exactly when but I definitely remember hearing more shots being fired either you know, right outside or right as we got in or...somewhere around then. So there was a uh, a big glass window somewhere near the front. I don't think you can see it here but I think it's on the...directly facing south but on that part of the building.

CB: Um, um.

MN: Um, so you know it's kind of like, it's just…it's funny, it's just like training, you know, you get there, and you hear a shot or two and it stops. So you kind of slow down a little bit, you don't rush in. And uh, so you know, we're kind of getting ready to go in and then at some point someone goes "hey we're going to break this big, you know really big glass window" so I break this window. I remember seeing somebody try to kick it and it kind of you know bounced off. And they were like "don't kick it like break it with something". So I just grabbed my baton off my belt, my duty belt and just like chucked it through the window. And it like went through and it didn't…it broke a hole through the window and then it kind of like cracked all of the glass. So then we were able to just kind of like kick and push it and break it all down real quick to jump in. So when jumped in through there and then uh, I think we…we had…you know there's like four or five of us then. I can't even tell you exactly everyone who was there. And then a few guys went uh, left, so I guess we were in this reception area.

CB: Okay.

MN: So a few guys kind of went this way and I ended up going to the right here.

CB: Alright.

MN: And I think then I continued, I was with at least one other guy and I continued through this…this way. This door, I don't think I went through this one.

CB: Um, um.

MN: And I remember just seeing you know, just bodies, just like, the whole floor. Uh, I saw some movement behind the bar. I challenged them. Uh, he came up hands up and then like I think like four or five other people popped up and then we kind of you know, said alright probably not him. Um, so I told like "hey get down, just get down". They got down, continued to move in, I don't…I remember I don't think I really went in…I was kind of more along this way, along the west side of that room. And uh, came up and kind of, I think held here for a bit holding this door, it was closed. Which I guess is actually, I guess it's a dressing room. And uh, I remember…it seemed like more people were arriving at that point. I remember hearing more like cops like coming in through other doors, other entrances. And then as I was holding this and I could see um, you know other…other guys were here and I…I heard someone challenge the…I assumed they were challenging the shooter and…and fired at him. And I think I was still holding this door at that time. And then uh, I really I thought that was going to be it. I was hoping. That that was going to be the end of it but uh, and it seemed like he went back in the bathroom and they were…they were basically….you know he went in that bathroom and I was able…uh, somebody must have come and picked this up from me and I must've known cause I was able to come up…and…and get in behind this bar with uh, like there was like two or three other guys behind…in this area.

CB: Okay.

MN: And we were kind…I couldn't really see down, like especially when he…when he was first engaged I couldn't see down the hallway at all. And even here I could…I think I could see this door. Cause it looked like a wood door that had like slits in it or something. Um, and I think I could see that door but I couldn't see this door, which is the one they were saying he was probably in. So we held that for a while, and Orange County, you know, just waiting for him to come back out or seeing what was going to happen. But he wasn't shooting, there was no more...the last time I heard gunshots I think was in here and we...I remember hearing him like, we think he's like reloading. I remember saying that. Um, but it wasn't...I think if we had heard him keep shooting I think we probably we would have you know, went straight there and...and just dealt with that but since he wasn't we kind of just held it. I know the SWAT callout was made and we ended up, kind of falling back a little bit and...and cross covering this hallway. So I ended up back here again.

CB: Okay.

MN: Um, me and another officer were...he was like covering here, I was covering the door. And then um, I was covering that for, it felt like a while. Um, and then the SWAT guy kitted up that I saw came in, relieved me. So I went out, went back to my car. That's when I geared up. I didn't change my pants but I took that belt off, I put on my drop holster. Throw on the heavy vest, throw on the helmet and uh, so that vest has an extra...I put you know handgun magazines in that vest and the UNP mag and that vest already had one extra handgun mag and one extra UNP mag. So it had four total handgun mags and three total UNP.

CB: Okay. And the handgun mag on the vest had how many rounds?

MN: Twelve and the same with the UNP, it should be twenty-five.

CB: Same, twenty-five?

MN: Yeah.

CB: Okay.

MN: Uh, so I did that uh, ran back up ended up kind of running through this parking lot again. And seeing uh, a decent size group of SWAT guys that were already geared up in there, holding this double door...

CB: Okay.

MN: ...here right on the south side.

CB: Okay.

MN: So I got up there for a bit, started kind of like getting people out of there who weren't SWAT and weren't as geared up. And we kind, I think I took maybe one rotation kind of taking turns, just you know moving up, holding it and then like switching out. And then I remember...am I supposed to say like everyone's name if I remember them.

CB: Yeah if you remember the people like you were with, like when you made entry in, who was with you and where...when you posted up.

MN: Okay.

CB: Who was shooting inside?

MN: Got ya, yeah sorry.

CB: If you remember somebody.

MN: I'll go back real quick.

CB: Yeah.

MN: So I know like Lieutenant Scott Smith was one of the first guys I saw. Uh, Manny Florin and I know I end up here, when I was holding…I was holding this, Ben Chisari was there with me.

CB: Okay. And uh, put like a little X or something there or…

MN: Okay.

CB: Or your initials and Ben Chisari's initials.

MN: Okay.

CB: Where you're at.

MN: So….so we're kind of both just in that doorway just…

CB: And this is your second position right?

MN: That was…

CB: Cause initially you went to the bar?

MN: Yeah. But I was also there first for a bit.

CB: Oh okay.

MN: But I don't remember if someone was with me. Cause I know [redacted]…oh also Sergeant [redacted] was with me originally here when we made entry into this room.

CB: Okay. So you and Sergeant [redacted] come into this room together?

MN: Yeah and Manny Florin was here somewhere here too. I just remember…like I don't…I didn't…I saw him someplace but it was more like hearing him and him…

CB: Yeah.

MN: And then um, and so you know Lieutenant Smith and somebody else went this way.

CB: Okay.

MN: And it was Lieutenant Smith that I saw, I was able to see out of my peripheral and heard him engage. From…he was behind the bar here.

CB: Okay.

MN: So I should put that. And then I remember I think [redacted] was…see somehow [redacted] got here I think or here.

CB: Okay if you don't…if you don't remember don't worry about it.

MN: I can't remember, yeah I can't really remember.

CB: That's fine.

MN: But I think he was…he was up there too. So then Ben and I both went up, someone else was covering this. We were both behind there. I think there was four of us at one point.

CB: Okay.

MN: [redacted], Scott Smith, Ben and me. I was on this far end so I kind of had the worst angle I guess. And then…

CB: And if you can just jot your initials there.

MN: Yeah.

CB: Where you were, okay.

MN: Uh, so as it kind, you know, as more time went on he didn't come back out. I think Lieutenant Smith got a little more lieutenant than operator and realized okay…cause I remember back here is when he said "we need the SWAT call, like full call out" and then he…he went back he got…he went out. And at one point he looked at me, I was still here, he's like "hey look at me, you've got somebody here covering this" he wanted me to see that I knew that. So we knew we could focus on this. And I don't remember who decided we should back up and kind of cross cover it. But that happened you know…

CB: Okay.

MN: Okay so that gets us I guess back up to speed. [redacted] is the one that relieved me I remember. He came here, relieved me there and he asked what I was covering and we told him. We kind of told him where the…we thought the bad guy was.

CB: Right.

MN: So I geared up came back, saw a bunch of the guys. I couldn't even tell you everyone I saw. I know I saw like, I just remember seeing a few faces. Like Hank Wong, and uh, [redacted], I saw him.

CB: Okay.

MN: Cause he was telling me, he was like "Hey you're stepping in blood". And I realized it was, well everywhere. So uh…

CB: Then you took a position somewhere out there?

MN: Yeah I was here for a bit, did like one rotation and then I remember…I remember seeing Tim Stanley run out. And uh, he said he needed a body. So I was kind of the furthest guy back here, it was like right after I rotated out so I just ran over to him.

CB: Okay.

MN: And we went around the back of the building. And he was basically, we were going back there, he's like "hey we're going to like kind of…" he didn't really say scout it out but we're going to see what the patrol guys got and see what we can…we can do uh, back here. So uh, there's a bunch of patrol guys back there. They're like all line….you know, like a line back here in the trees, there's a patrol car in that parking lot.

CB: Okay.

MN: Um, I guess this is the best…you know, the patrol car in this parking lot right here, you can barely see in this one.

CB: Um, um.

MN: And there's a few guys behind there. There was guys up here, there's like a door up here. Like a little hallway. Um, which would go through…back here, on the north side of the building. There's like a hall…it wasn't really a hallway because there's like a fence on this side. And it's kind of open air. But on this side it was like the building not brick, but the concrete or whatever the building's made of.

CB: Right.

MN: So they were holding that hallway down long. And Tim was, you know, obviously he's way more senior than me, he was coordinating stuff. He kind of knew I guess we had guys somewhere out here, seemed like covering stuff that we didn't need to cover this as much as they were initially doing it. Uh, so then he was like "stay back here we're going to get like more guys and the Bearcat. So just stay back there with the patrol guys for a bit". And uh, the smaller I think two-door APC…

CB: Okay.

MN: …came up and then they kind of realized they wanted to switch where each truck was. So it dropped off a few guys. So it was then, we were back there with me, [redacted], [redacted] and Rick Duenas we were back there. And the trucks switched out, but it took awhile, it wasn't like immediate. That truck left and we were just back there for awhile. And we were kind, we relieved the…we told the patrol guys, we told them to get out of there. We had some snipers up behind us on the roof. So the…we got the patrol guys out of there. That car stayed there though. And we kind of stayed behind that for cover.

CB: Okay.

MN: At one point Tim came back. We ended up kind of working in through here a little bit. Uh, they got some people out of this backstage room.

CB: Alright.

MN: I don't remember how many. I know that it was more than like two. Um, a few guys they ran out. Um, we kind of did a quick kind of pat down on them. One guy had a backpack I remember, I took from him. And they were gone. And I can't remember, sometime around this, in this time the Bear, the bigger Bearcat arrived. But we didn't do much with it yet. And then Tim leaves again, the guy was like bouncing all over the place. It was…it was kind of crazy. And then he comes back, I remember seeing him on the phone and I didn't know who he was talking to and then I hear…he goes up to…I guess it must have been this dressing room, there's like an A/C unit and he's like "hey I'm going to knock on this, is this uh"…I don't know if there's a better…

CB: Yeah it's…

MN: …picture of it somewhere.

CB: …hard to see. This is the back but the distance is too far

MN: Yeah it would be, you know, it would be, probably covered by that tree. But basically it's to this room so it's somewhere. And he's like "hey I'm going to knock" and I can hear him, I'm pretty close up so I can hear him um, he said "I'm knocking on this is that you, yeah it's me, okay, I'm going to push this in, you need to catch it". So he pushed it in and then like…and then he's like "hey cover this way" so I ended up kind of covering down here.

CB: Right.

MN: And I just know they were pulling people out, pulling people out. And then those people were gone, those victims. Uh, so then the APC must have been there by…by that point. I think it already had the ram attached to the front of it. And then it's kind of weird. I don't know how much time has gone by yet, you know, it's weird. So but at one point I remember…oh and when I was in here, holding this, the second time, that's when somebody said, we heard something about…I think over the radio about he may have like explosive devices. That came up. And then sometime when we were back here, holding it, I think still waiting for Tim, there was like this truck parked somewhere over here that we heard a bomb dog hit on.

CB: Um, um.

MN: Um, it's like, I don't know, somewhere over there.

CB: And you're hearing this via radio?

MN: Radio.

CB: Okay.

MN: Yeah so then...sorry, so after this gets, people out of this dressing room, and then I don't know how much time went by. We were back by the truck and I think people were trying to, trying to figure out how they wanted to attack it. And then uh, we heard over the radio he said that he...cause I guess people were, I don't know if it was victims or somebody was in touch with dispatch, I know we had some CNT guys there and stuff. But he was like yeah...he gave us a 15 minute timeline and then he...he's going to strap bomb vests to the...to four people. For some reason I remember four people. I don't know if that's right or not. But and send them out with bomb vests. And my understanding was they kept saying there's like 15 people in this bathroom and it seemed like there was less in this one. I...four is the number for some reason that I have. I don't know if that was right. I never went into these...either of these of rooms. Well this one we breached so kind of have an idea that there was a lot of people in this one.

CB: Okay.

MN: So once we heard that they were like alright we're going to set up the...the Bearcat, we have like a gas injector that you can attach to the front of the ram. And like we're going to you know, we're going to act before he does basically. So we get that setup. Uh, I remember there's that patrol car that was back there, I didn't have my gas mask cause we had a callout earlier that day. And I had to rush, like by the time we got done with that I had like an hour to be where I needed to be. So I went home, got ready, rushed there. Washed my gas mask out at the office there and...and left it in the office to dry. You know, you don't think you're going to need it again, stupid, but you know, it's kind of how you...so I remember I ransacked this patrol car to get ...found this guy's mask and I found an in filter and threw that on. Um, but we didn't end up using the mask or the gas. I don't remember what changed. But we ended up, the EOD guys, they came, they were going to try to blow a hole I guess in this bathroom. Like or in the wall, exterior wall.

CB: Okay.

MN: And then we had a plan, we uh, Tim and I went back, just off of this I guess there would be a...there's like a wall.

CB: Okay.

MN: And we kind of right there, where they were going to blow it. And then uh...

CB: And who's there with you?

MN: Just me and Tim Stanley.

CB: Alright if you could put both of your initials?

MN: Yeah. Uh, and then there was another team with Lieutenant Bigelow and uh, I think Duenas and maybe...maybe [redacted] and uh, [redacted] and [redacted] were there too. They were by the Bearcat which I guess was more in the middle. Sorry, yeah so I guess the Bearcat was in the...in this parking lot still I guess. It was probably around here. And they were kind of like hiding behind the Bearcat from the blast. And then we were both going to assault it kind of uh, coming in at angles.

CB: Okay.

MN: Uh, they were like, you're going to give it like a second just to make sure some other bomb doesn't go off basically and then we're running up. And I remember as Tim and I were running up I can see. Well I remember the blast going off first, it like shook the whole earth. You know and like, car alarms go off, building alarms go off. And then I remember running up and seeing it, I'm like "hey it doesn't look like it did it". And then Tim...Tim's just ahead of me, he's like "no breach, no breach, didn't work". And I remember like shit. Like alright and then uh, that's when they decided...we took the gas thing off and they decided they're just going to start, they're going to ram the wall. So they started ramming uh, this bathroom wall. I don't know exactly where. Well actually you know what, the charge initially I guess they misplaced it. And it was more actually in that hallway. So that first ram we...you could kind of tell it was in that hallway cause you could see these doors.

CB: Okay.

MN: And then they readjusted and did it and then started ramming this. And uh, they rammed it a couple of times. You could see people were in there. But then they were like "hey you can't...we can't move back anymore" and I like I think it was going to start falling on victims that couldn't move. I don't know if they were dead or if they just couldn't move. So then Tim gets this ram and starts like beating the crap out of the wall. Makes the hole big enough cause then we start pulling people out. People start running out. I remember I run with a few, and they're like "hey you know they can't run" so we're like "hey you got to slow down, got to slow down, keep your hands on your head" do a quick kind of like pat down and send them off to the patrol guys who are um, I guess they're right around here. There's like a patrol car here. And then there's a more like victims collection zone across the street.

CB: Okay.

MN: Uh, and then a few of them I remember we had to carry. I know I...I think I carried at least two with Rick um, like I carried the legs. There was one guy I remember had like a neck wound.

CB: Alright.

MN: Um, so we carried at least a couple of guys. And then it seemed like just when they were almost, or I'm sorry, oh before Tim started beating the wall, I remember I secured his rifle in the back of the truck. Cause he put it down and was like "somebody secure this". So I put that in the back of the truck. And then back to, fast forward again. Um, seemed like just as we were done or almost got everybody out, we heard...we heard gunshots, coming from that other bathroom. And uh, somebody said, I don't know who made the quick decision just ram...ram that...ram it. So uh, Woodyard was driving that truck and he started just ramming that wall. And uh, somebody I think threw a DD, which is like you a distractionary device, it's not really a flash bang but kind of I guess I'd equate it you know big...big explosion, noise, it's just noise though. Um, somebody through one of those like near or in the hole. I don't know exactly. I don't think they threw it in, I think they just threw it near it. He rammed it a couple of times. And I...I just got back I think from maybe from helping or something and I remember just seeing a...this is my memory of it, like a line of guys from, let's say the hole is here and there...and the other hole is here. And then the third hole, the last hole is here. I remember seeing a line of guys line up like diagonally like and I guess the Bearcat I guess would be here. So you kind of it's like they were lined up like this.

CB: Okay.

MN: And I think they...and I knew there were some other guys probably over here. And I saw kind of, I was back here and I kind of saw spot so I stepped up. Cause I could...and I saw like...it was like you could see this door and you could see this hole. And you could just...you could see it you know right through there.

CB: Alright.

MN: And then...cause I...you know, oh any second this is going to happen you know. And then next thing I knew I could...I didn't even know...like I saw like a figure, basically in this walk...in this door. And I could see like...I want to say like yeah I know he was holding something. But I couldn't tell you what the guy looked like. You know couldn't say anything. And then the next thing I knew I just felt this impact like on my head. And uh, I fell back. And I knew I was like "oh I just got shot in the head". And then like, you know, it's one of those things where I guess everything just slows down. And that was probably like one second if that but it felt like a while. Cause I remember just going through like thinking like "am I dead, am I alive" and I kind of figure out I'm not dead cause I'm obviously thinking. You know, my ear...like just the impact and the ears ringing and just like that classic just like you'd see in like a movie where just everything slows down, kind of looks around. And then uh, as soon as I realized I wasn't dead I just uh, I think I was on my side still I just started firing back. And I...really I can't even say I remember like looking through. I had an EOTech on it, on my UNP but I can't say I remember looking...I can't remember any of that part. I remember the feel of the trigger and the feel of the gun shooting. But I can't remember like you know all the, I guess details of the...of shooting.

CB: Okay.

MN: And uh, I think, I want to say I remember my thumb slipping down so I can go fully automatic. And I remember it...it kind...I remember it went, like just the first few shots it felt like they weren't coming out fast enough. And then I remember them coming out a lot faster after. And somebody, you know, I ran out. And I hit the trigger I think a couple more of times. And realized it was slack. And then someone called like cease fire or yelled like stop firing. And I got up. And I kind of moved back over here, to kind of get some cover and I was kind of in the loop for a minute. And I was like "alright I need to reload". So I reloaded and then I don't remember...I really don't know if I fired everything cause I don't remember hitting the charging level. And then I looked, I was like I need to make it hot. And I was well…it's already forward so I went to do it again just to be safe and round…a live round ejected. And then I was like oh man I don't know if that was…cause there was still a round in there or you know, so it was kind of one of those…

CB: Um, um.

MN: Lose the memory thing. And then I saw, I was so silly trying to…I was like "I think I'm okay but still kind of waiting for maybe there's like a bullet lodged in my brain and I'm going to shut down at any second kind of thing. Like somehow, some miracle it didn't right away but then it will" and then Tim asked if anybody was hit. So I got up to him and was like "I think I got shot in the head". And he looks at me, he's like let me see that and then he like kind of looks, lifts my helmet up. He just kind of like plays it off like "yeah you're fine" and then like grabbed somebody and is like "hey get him out of here". And then they run me out back across this road. Sit down behind some cars; they're like get your gear off. Everyone's like kind of freaking out. I just remembering saying "guys I'm fine, I'm fine". And then they got me in the back of a truck and off to the hospital.

CB: Alright so um, when you…you put a little mark here that's where you were standing?

MN: Yeah.

CB: With a group of other SWAT operators?

MN: Yes other SWAT operators. I can't say how many.

CB: (inaudible).

MN: More than a couple.

CB: If you can just put your initials there.

MN: Yeah.

CB: Where you were standing. And then um, approximately how far do you think you were from the wall at that point? Where…where you're positioned?

MN: Uh…

CB: Just an approximate.

MN: Yeah um, it couldn't have been more than like 10 or 15 yards.

CB: Okay.

MN: I would think.

CB: Alright, um, so you're standing there and the DD's go off and you see a…a basically a shadow…

MN: Like a figure, more than a shadow, it wasn't like a silhouette.

CB: (inaudible).

MN: I remember this room it seemed smoky to me, this bathroom.

CB: Okay.

MN: And I just saw like a figure is the best way to describe it. You know, just…

CB: Okay.

MN: …and I kind of…before…and just as I saw it, before I felt like I could even really process it, I was like already felt the impact.

CB: Okay. Did you see a muzzle flash or anything or you just felt the impact?

MN: I don't remember seeing anything, no.

CB: Okay.

MN: Yeah.

CB: And then as you were on the ground you actually returned fire?

MN: Yeah and I remember it, like I knew I could see everyone was firing back and I could like it's like, it's hard to say. Like I'm not going to say I saw he was holding a gun but I knew…I remember, when I first saw him, it's like…I saw him holding something. It's like I knew it was him, even though I couldn't really like describe him, you know.

CB: Okay. And you said you emptied that mag…

MN: I'm pretty…I…I believe I did, yeah.

CB: You had it on full auto at that time?

MN: Yeah.

CB: You flipped it to the full auto, okay. Um, while you were waiting out there, I know you said you uh, prior to that you heard gunshots, it sounded like it was coming from the north.

MN: Yeah from the bathroom.

CB: The area in the north side.

MN: Yeah.

CB: Um, how many shots do you think you heard?

MN: I think it was three.

CB: Okay. Alright. Um, did you hear anything? Did that guy say anything? Did he scream anything?

MN: Never, I could never tell you.

CB: (inaudible) anything?

MN: I never saw that guy…never heard him say anything. I couldn't even tell you what his voice sounded like or anything like that.

CB: Okay. Was anybody else shooting around you?

MN: Yeah I remember noticing like everyone to my right was shooting.

CB: Okay. Alright. Uh, and what was the reason you used deadly force?

MN: Oh… (laughs) yeah that he was a threat. You know I knew…I knew he was going to kill more people, kill us. Uh, I figured the best way to stop him was to kill him.

CB: Okay alright.

AW: No.

CB: Nothing?

KF: Nothing.

CB: Any questions for us or anything I didn't ask you that might be relevant?

MN: Um, no I guess the only thing maybe I forgot from earlier is I know when we were here holding this, they started pulling victims out.

CB: Okay.

MN: That's the only other thing I guess.

CB: Alright.

MN: I think that's it.

CB: So you only marked up two of them right? These two?

MN: Yes I think so.

CB: If I can just get a signature and uh, date on both of them.

MN: Yeah.

JB: (inaudible).

CB: It's the 17th.

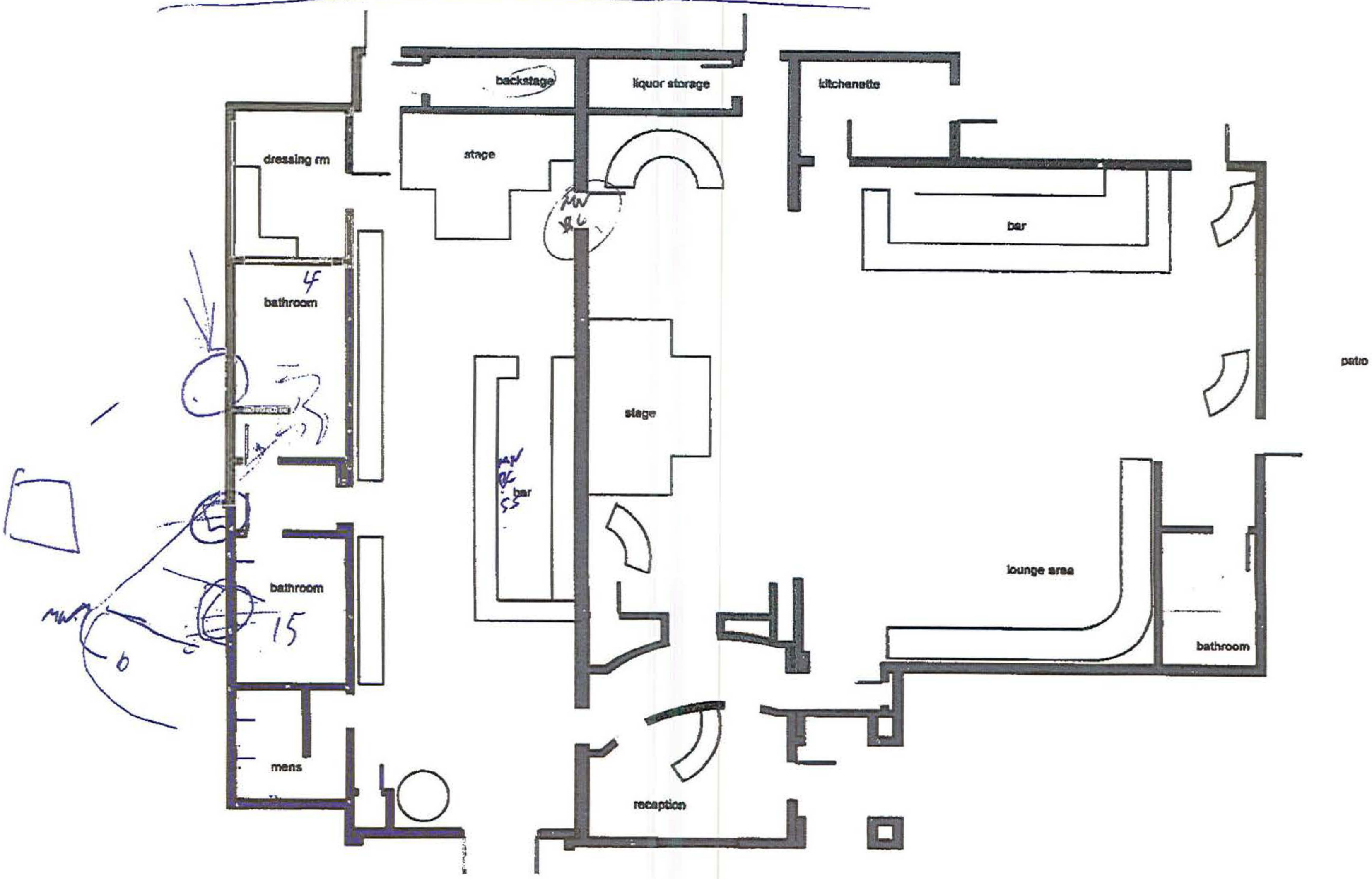
MN: The 17th?

CB: 17th yeah. Alright that concludes the interview at 5:20 p.m.

/cf **11/21/2016**

Pulse Nightclub

4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Produced by the FBI Laboratory
16 June 2016

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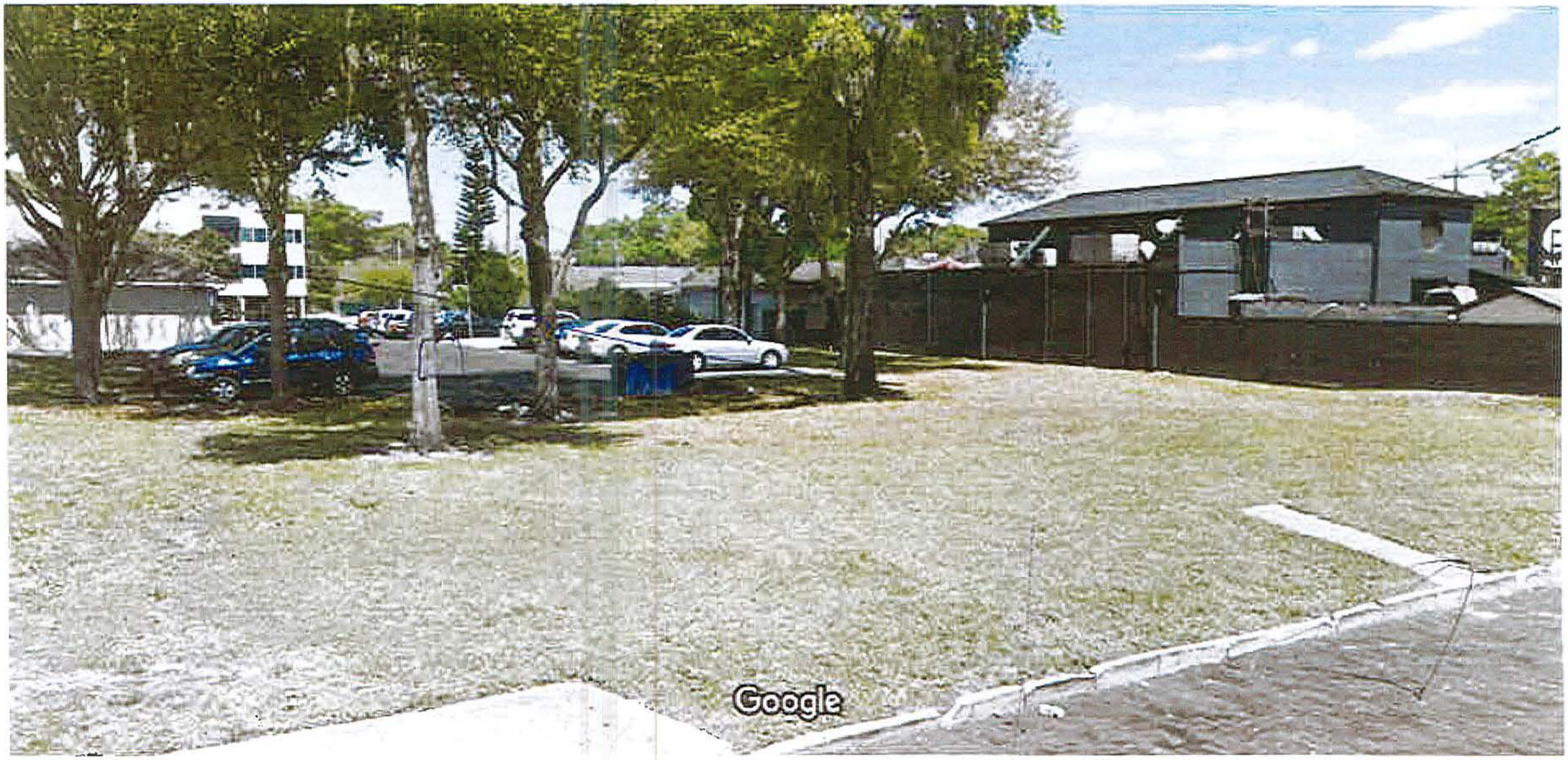


Image capture: Mar 2016 © 2016 Google

MN
TS

Orlando, Florida

Street View - Mar 2016

6/17/16

INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**Sergeant [redacted]**
STATEMENT TAKEN BY:	**FDLE Special Agent Afonso Williams**
LOCATION TAKEN AT:	**FDLE Orlando Regional Ops Center**
DATE:	**June 29, 2016**
RE:	**IR16-46**
ALSO PRESENT:	**FDLE Special Agent Craig Beers** **FBI Special Agent Torrent Slaughter** **Attorney Jason Bankowitz**
STATEMENT BEGINNING TIME:	**1407 Hours**

AW: We're on tape Special Agent Afonso Williams of the Florida Department of Law Enforcement. Today's date is June 29, 2016. Time is approximately 1407 hours. I am at FDLE Orlando Regional Operations Center reference to FDLE case number OR-27-0258 which is a police use of force investigation that began on June 12, 2016 at the Pulse Nightclub located at 1912 South Orange Avenue. Conducting the interview with Sergeant [redacted] correct?

[redacted] Yes.

AW: Okay, of the Orlando Police Department. Conducting the interview with me is FDLE Special Agent Craig Beers and FBI Special Agent Torrent Slaughter. Also present is Sergeant [redacted] attorney, legal counsel Jason Bankowitz.

Sergeant [redacted] just for the record I want to clarify that this is a voluntary statement being given to you as part of a criminal investigation into the shooting incident that occurred on the 12th. And you're not being compelled in any way to provide a statement. Do you understand?

[redacted] Yes.

AW: During these proceedings you are free to leave. If you don't want to talk to me let me we'll terminate the recorder and we'll end the interview.

[redacted] Understood.

AW: Okay. Uh, do you understand that this is a voluntary statement being taken as part of a criminal investigation and not an Internal Affairs administrative statement?

[redacted] Yes.

AW: Alright. Please raise your right hand. Do you swear the testimony you are about to provide is the truth, the whole truth and nothing but the truth so help you God?

[redacted] I do.

AW: Alright what that said prior to this interview have you reviewed any video or audio recording of the incident?

[redacted] No.

AW: Alright. How long have you been employed by OPD?

[redacted] Twenty-five years.

AW: Okay. And what's your current assignment?

[redacted] I am the Fugitive Investigative Unit supervisor.

AW: And on June 12 were you performing your duties?

[redacted] I was actually off.

AW: Okay. How did you get involved in this incident?

[redacted] I got called out.

AW: Okay. Describe the uniform you was wearing on that…

[redacted] I was wearing multi-cam shirt or combat shirt, multi-cam pants. Tan boots, a tactical HIT vest, OD green. I was wearing a ballistic Kevlar helmet, night vision goggles, leg rig and M4 Rifle with a sling.

AW: You're a part of the SWAT team?

[redacted] Yes.

AW: How many magazines were you carrying?

[redacted] Um, six counting the one in the weapon.

AW: Do you know how many rounds you had in each mag?

[redacted] Uh, well it's kind of screwed up because like that week I had a problem with a magazine. Some rounds fell out so my rounds were…became dislodged, I actually still have them in my truck. Buy I try to keep 27 in them.

AW: Alright what I'm going to do is um, I'm going to turn it over to you. I'm going to have you tell me your side from beginning to end.

[redacted] Beginning of what?

AW: When you got called out.

[redacted] Uh, uh.

AW: Until your involvement concluded. Okay. What I also have um, is a diagram uh, for the interior of the nightclub.

[redacted] Um, um.

AW: Uh, so what I'm going to have you to do is uh, as you're explaining your…I'm going to track your movement with your initials and number one when…when you arrive, where you was at and how you moved.

[redacted] We'll need a lot of paper.

AW: Uh, to the best of your…

[redacted] I was in and out all over the place. We didn't just stay in one spot.

AW: Okay. What we'll do is we'll do it…um, not every movement. When you left one specific area…

[redacted] Um, um.

AW: And when you went to the new area.

[redacted] Okay.

AW: We'll go like that instead of just tracking you was here or there. So we'll just go from…uh, mainly the key points. You're here, you left there, then you went to the west side or the east or north or south.

[redacted] Um, um.

AW: Okay so I'm going to turn it over to you. And uh, how you became involved in this incident.

[redacted] Uh, it was after 2:00 in the morning we got called out, a SWAT callout in reference to an active shooter at Pulse Nightclub. When I arrived on scene I parked at Kaley and Orange Avenue.

AW: Um, um.

[redacted] Got out, loaded up, started moving towards the area. I met up with some other team members behind the Wendy's, which is across the street. We moved around to the south side of the building where I met up with Lieutenant Scott Smith. He debriefed…he briefed me on what was going on inside and that he believed that the suspect was in the north bathroom. From what...from what he had seen.

So he took me inside along with some other SWAT members. Um, we deployed several guys here. In case he came out. We also had some guys staged right here in case he came out. Now when I...when I came in I came in with Sergeant Mongelluzzo who took this position her, which would be the north end. Uh, I was bouncing back and forth between here and here and also this double door. This double door which leads to the south, we had an armored...eventually we had parked an armored vehicle out here looking straight north into the building. As more operators showed up, we deployed them along the east side of the building or the...the Bearcat we had a sniper in the Bearcat and I was bouncing back and forth outside, inside, checking on status and seeing what was going on, any changes, that kind of thing. And over a period of time at some point, we...another truck on the backside of the building which is all walls with the exception of the northwest corner of this building which is...leads into a gate. Which leads into the...another door, which you can get into the building from the north side.

And actually you could see it through here, is where I saw some operators come in. But I had...they actually evacuated some people that were in one of these dressing rooms here. Pulled them out and then went out. While I was here...I still have...I'm either here or inside of here. I haven't literally left this building yet during the majority of the what was going on. When they made the breach the larger breach in this hall. The plan was to put it in this bathroom, the breach, to get these people out. But they misjudged it and they put it here, which was the loud boom that everybody heard. When they did that we used, I heard one of the deputy team commanders yelling that he needed some more bodies over to help him out. So I ran around, uh, when I ran around, we started; they had already put a hole in this here. We started pulling people out through here. And then at some point towards the end, we're pulling out....I think we pulled eight or nine people out of here. While we're pulling them out, I look to the north, I'm peeking through the hole and I look to the north, there's a door here. That door had some type of ...like a stain glassed window or like a frosted window of some kind. I saw a body walking. I assumed it was a hostage that was coming out but come to find out that wasn't the case. Um, and then I heard some gunshots. I heard like five, six, steady shots, "pow, pow, pow" and then I'm yelling "alright that fucker's killing people we need to get in there" and they started to hit this wall here. When they hit that wall he came out here and while I was standing here, I see a handgun come out of this hole. Just pointing straight out. I grabbed my rifle and just started shooting back into the...into the hole. After that was done, he went down, I...I called for another guy to come alongside me, we moved up. When...when I moved up, he's laying on his back and I could see the handgun off to his side. And on his...it looked like it was on his leg, it looked like a battery pack of some kind and I said "alright slow down we...I don't know if it's a device or what's going on". I called up an EOD guy, Explosive Ordinance Guy. He came up, he looked, he says "alright I think we have a device, everybody back out". While they did that we poked another hole in this north, which would have been right about here. We poked that hole and started trying to make it bigger. But when the hole got bigger the wall started collapsing on dead bodies that were underneath that hole.

We started pulling it out, I crawled through the hole, cause there was people literally trapped underneath dead bodies. They couldn't move. Some people said they were drowning cause it was also flooding up with water, because of the water flow. When I crawled through the hole, I pull out, I don't know who it was, but I pulled somebody out through the hole. And then underneath here there's a toilet. There was a guy trapped under the toilet. He was alive and he had two dead bodies on top of him. I peel them off, grab him, scoop him out. I actually knocked over the toilet to get him out. He was wedged in there. How the hell he did it I don't know. But he got wedged in there. Pulled him out and then from here I moved in to the bathroom and deeper into the bathroom and started looking for...for people that were alive. And there were several other people that were in there. Some could walk, some couldn't. We just picked them up and carried them out of the hole. And at that...once we got everybody out and exited and walked out with everybody else.

AW: Okay.

[redacted] Then we turned it over to EOD.

AW: Okay this right here is the south restroom?

[redacted] Yeah some say it's the women's, men's it doesn't...I just refer to it as north and south, this would be the south...south bathroom.

AW: Okay and this side of the wall is the west of the building?

[redacted] The west side of the building, it faces...uh, I don't know, there's a big open field behind there. I don't know what it's...I don't know what's to the west of that.

AW: Okay. So when you arrived on scene you pretty much entered the building and you was on the west...I'm sorry the east side of the building?

[redacted] I...I never went into the main dance floor area.

AW: Okay.

[redacted] When I entered, Scott Smith had already told that this was all clear and that all the bodies that were there, they're all dead. So I never paid no attention to this at all. I just stayed away from it. Walked in...this is as far as I went. I came in, I checked here, I come over here, I check here. I come back and then I stayed stationary and then at some point I moved out here. And that's where I stayed most of the time.

AW: Okay but you entered through the south?

[redacted] I entered through this door, there's a...

AW: A little reception area or something?

[redacted] Yeah there's a...there's like a plate...a huge plate glass window here that was blown out. How I don't know. But it was...I never went through that. I always went through here.

AW: Okay. At some point once you left here, then you went to the west side?

[redacted] Yes.

AW: And uh, when you got here you said that the uh, the center, we're going to call it the center hole it was already breached?

[redacted] The main breach, that…I did not see that occur. I heard it cause I was standing, just like everybody else heard it. I was standing right; I was standing over here when I heard that go off.

AW: Okay.

[redacted] At some point I move around to this corner to get a peek and see what's going on, to see they needed any more bodies and they're yelling that they need…need some more hands. And that's when I…I ran up to help.

AW: Okay. So you heard the main breach from the south in the other building?

[redacted] Yes.

AW: Okay. Uh, as ya'll are taking um, victims out of the south restroom, you say you saw a figure, some someone walking.

[redacted] Um, um.

AW: From this…from the center point?

[redacted] He was, there's a hallway that splits these two bathrooms. It's a small hallway. It splits the two.

AW: Okay.

[redacted] You come into the main dance area, you go into that hallway and it's…it's very small. You're probably lucky to touch both…both sides of the wall with your hands. There's a door in the south and door in the north. They door that I…when I peeked through this whole I was looking through the door in the south bathroom, looking north.

AW: Okay.

[redacted] And what I saw was a silhouette of a person walking in that hallway. I thought it was a hostage and then when I turned and looked back towards the main hall is when saw the gun come out.

AW: Okay. And you say you heard approximately five gunshots?

[redacted] Yeah five, six gunshots. They were very steady, it was like, he was trying to shoot…I thought he was shooting people that were inside the bathroom.

AW: Okay. Um at that point he appeared out. You saw a handgun?

[redacted] Um, um.

AW: And then you started shooting towards that direction. So he was....west it's going, so you were somewhat southwest? You was not directly in...in front of the center, center hole?

[redacted] No.

AW: What he was...

[redacted] I was south; it was probably 10, 15 feet maybe.

AW: Okay. Do you know how many rounds you fired?

[redacted] A lot. I emptied one magazine and reloaded and fired some more.

AW: Okay. Then after that uh, you saw him on the ground, you saw a battery pack in close proximity of the...of the subject.

[redacted] Um, um.

AW: And then you assisted with uh, gathering people from south, then the north restroom?

[redacted] Before he was shot, we had just everybody evacuated out of here with the exception of one person who we were in the process of pulling through the hole when he came out. When he came out, when we...when he got shot, we didn't evacuate this until we kind of took a peek at him first. We wanted to look at him first to make sure he didn't have a device and according to the EOD guy they assumed that he had a device cause they saw the battery pack, just like I saw. And because of his comments about having bombs and explosives on the victims that were inside. Prior to going into the hole, into the north bathroom, I asked does anybody have any vest or anything strapped to them that they shouldn't have. And you know they all put their hands, that were there, and they said no we're okay, we just need help getting out. That's when I entered into the bathroom through the hole. That was the northern most hole.

AW: Uh, prior to this did you get any intel um, about any type of device, bombs or anything?

[redacted] Gosh yeah. Uh, prior to me even leaving, when I first arrived on Kaley and Orange, prior to me even getting fully suited, there was talk about him having explosives. They had mentioned that he had explosives and they even made a comment about his having explosives in a vehicle in a parking lot. When I heard that I said "Headquarters, we need EOD, Orange County EOD, to respond to assist with this. And I'm assuming that our captain did some phone calls as well and made that happen.

AW: Um, throughout this what was going through your mind?

[redacted] I thought everybody in here was going to die and I thought a lot of these guys were going to die. Actually when...even when he said that he had explosives strapped to the people, inside the restroom, we had probably eight or ten guys inside of here waiting in the event that we had to do an immediate rescue. I pulled them all out. I..."everybody out" and then we were able to get snipers on the south and the east side that were able to see down and get cross coverage into this. Um, but I pulled them out because of the fact that he said he had explosives. It wasn't going to do us any good. Pulled them out and then we…I staged them all on the outside on the south end of the building. The way the information that was being provided at the time, I just…I thought for sure this guy had explosives. I thought he was intent to blow the rest of the people up, us and anybody else and make a big bang.

AW: Okay when you initially walked through…walked through the nightclub, what…what did the scene look like? What did…did you observe any…what did you see?

[redacted]**:** I saw dead…the eastern most dance floor, um, right through here, all I saw were dead bodies. Right through here. Just dead bodies, people lying on top of each other. I saw, heard cell phones ringing, text messages going off. It was pretty eerie cause usually when your phone goes off, the first thing people do nowadays is stop what they're doing and go to their phone. But none of that was happening.

AW: Okay. And the reason you used deadly force?

[redacted] Uh, I thought I was going to die along with a lot of my co-workers. And to protect the people that were inside.

AW: And when you was on this west side, did you…did you ever hear the suspect say anything? Did he make any comments?

[redacted] I never heard him say anything.

AW: Okay.

CB: Nothing.

AW: Do you have any questions?

TS: No. I guess I'll just, for clarification, you said you shot a lot. You shot until that threat was…

[redacted] Stopped.

TS: …in your mind…

[redacted] Until he went down…

QTS: Stopped. Okay. I don't have anything further and I guess that was a threat against you as well as all the other officers around you and anybody else that was still alive, isn't that right?

[redacted] Yes correct.

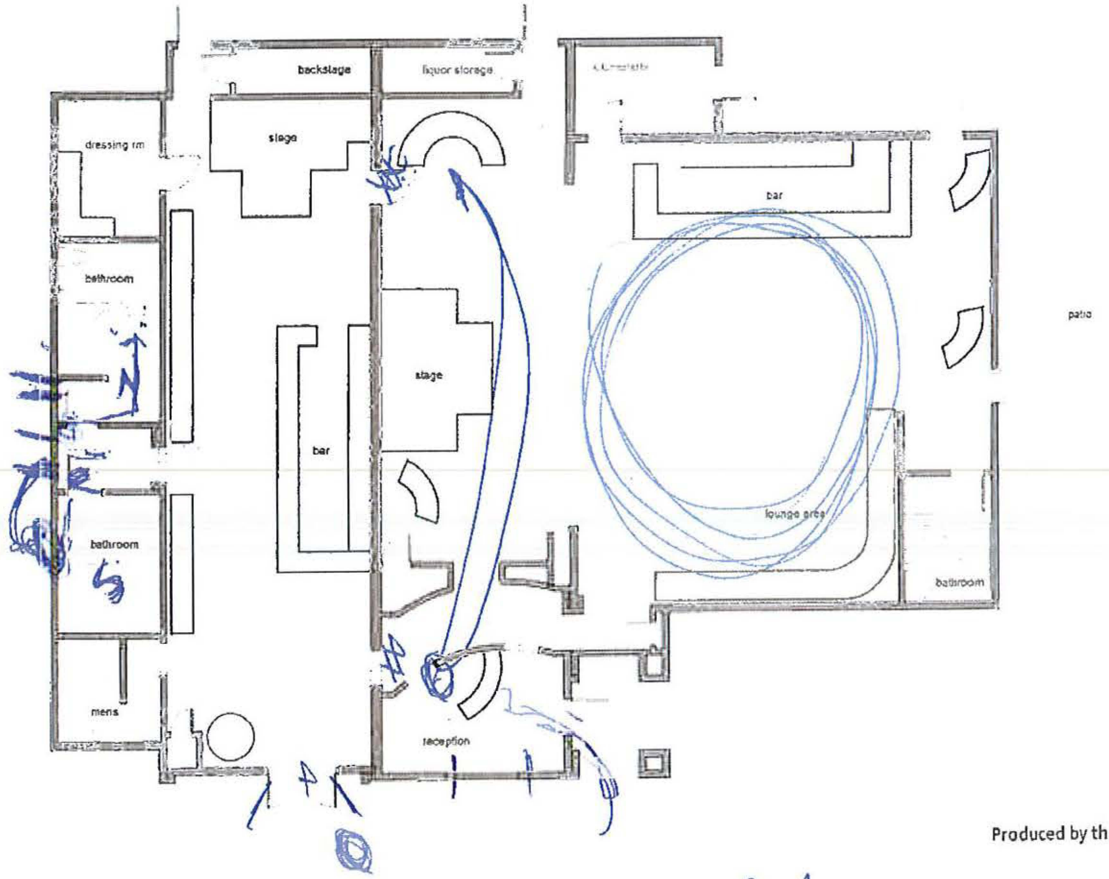
AW: Okay. If there's anything I failed to ask that you think would be pertinent to this investigation.

[redacted] No.

AW: Alright what I'm going to do is get you to sign your name and put today's date. The time is 1425 hours. We're going to conclude this interview.

/cf **11/28/2016**

Pulse Nightclub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Produced by the FBI Laboratory
16 June 2016

6/29/16

INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**Sergeant Fred Westerberg**
STATEMENT TAKEN BY:	**FDLE Special Agent Afonso Williams** **FDLE Special Agent Craig Beers** **FBI Special Agent Kevin Farrington**
LOCATION TAKEN AT:	**FDLE Orlando Regional Ops Center**
DATE:	**June 21, 2016**
RE:	**IR16-46**
ALSO PRESENT:	**Attorney Jason Bankowitz**
STATEMENT BEGINNING TIME:	**1338 Hours**

AW: We're on tape. Special Agent Afonso Williams of the Florida Department of Law Enforcement. Today's date is June 21, 2016. Time is approximately 1338 hours. I am at FDLE Orlando Regional Operations Center, 500 West Robinson, City of Orlando reference to FDLE case number OR-27-0258, which is a police use of force investigation that began on June 12, 2016 at the Pulse Nightclub located at 1912 South Orange Avenue. I am conducting an interview with Sergeant Fred Westerberg?

FW: Correct.

AW: Of the Orange County Sheriff's Office. Conducting the interview with me is Special Agent, FDLE Special Agent Craig Beers and FBI Special Agent Kevin Farrington. Um, Sergeant Westerberg just for the record I'd like to clarify that this is a voluntary statement being given as part of a criminal investigation into the shooting and you are not being compelled in any way to provide a statement. Do you understand?

FW: I understand.

AW: Any time during these proceedings if you don't want to talk just let me know and I'm going to turn off the recorder and you are free to leave.

FW: Okay.

AW: Okay. With that said do you also um, understand that this is a voluntary statement being taken as part of the criminal investigation and not an internal affairs statement?

FW: Yes I do.

AW: Okay. With that said could you raise your right hand? Do you swear the testimony you are about to provide is the truth, the whole truth and nothing but the truth so help you God?

FW: I do.

AW: Alright just prior to this interview uh, have you reviewed any type of video or audio recording as it relates to this incident?

FW: No.

AW: Okay. That was easy.

And prior to going on tape you...you mentioned that you are employed by the Orange County Sheriff's Office is that correct?

FW: Correct.

AW: And how long have you been employed by Orange County?

FW: Uh, July will be 24 years.

AW: And on June 12 were you performing your duties related to your job as a deputy?

FW: Yes I was.

AW: Okay. And what was your current...what is your current assignment?

FW: My day job is I'm the Marine sergeant, so I'm the supervisor of the Marine Unit.

AW: Okay and back on June 12th what was your assignment when you responded?

FW: I was filling my EOD role.

AW: Okay you was called out to the scene reference...

FW: Yes I was called...

AW: ...your EOD role?

FW: Correct.

AW: Describe the uniform you was wearing?

FW: Exactly what I have on right now. Flight suit, green in color, sheriff's office star over the left breast.

AW: What weapon were you carrying?

FW: A UNP .45.

AW: How many magazines did you have?

FW: Three.

AW: How many rounds in each magazine?

FW: Twenty-five, plus one in the chamber.

AW: Okay what I'm going to do now is ask you how did you become involved in this incident. And I'm going to have you to take me from the beginning to end.

FW: Okay.

AW: Uh, with your involvement. Okay?

FW: Okay.

AW: So it's on you.

FW: Uh, Sunday morning I received a page um, about 3:19 in the morning um, requesting that I come up on the EOD channel, which is Detail 8 in reference to a call out. Got up, got the radio, um, got information there was an active shooter at the Pulse Nightclub and respond immediately uh, Code 3, which I did. I live on the east side of the county in the Waterford Lakes area. That time of the morning by the time I got dressed I was probably, I was probably on scene in about 15 minutes or so, so before uh, roughly before 4:00…4:45, 4:50 I was on scene.

I arrived at the same time as the EOD Commander Chris Hall. He went to the forward staging area and I began setting up a secondary staging area for the EOD assets that would be rolling in from the Orange County Sheriff's Office. Uh, can't give you a solid time frame on how long we were there but as the other assets came in received word uh, from the…from the forward command post that they wanted to uh, perform an explosive breach on the objective.

So at that point we started, I started getting the guys ready to prepare the charge. We pulled wall blaster…wall blasting charge out of the van. Um, I had them double check the uh, the grainage, the charge weight on…on that particular wall charge. Uh wasn't happy with the way it was originally loaded. So I had them rebuild the charge to a 300 grain per foot charge. I know a lot of that doesn't mean anything to you. We rebuilt the charge um, they wanted us to move forward to the objective as soon as the charge was ready. Uh, we did that. We went from our staging area up to the uh, Pulse Nightclub…

AW: Yeah what I'm handing you now…

FW: Okay.

AW: …is the floor plan of the uh…

FW: Um, um.

AW: …interior.

FW: And I believe this is the street that runs down here would be Ester if I remember correctly?

AW: Yeah you can…you can draw that.

FW: Yeah I think. I want to say this was Ester. And then this would be Orange Avenue out here. So I approached up Ester, parked my vehicle roughly here. Um, met with the forward element and the uh, SWAT commander and our EOD forward asset right about this area on Ester. At that point the information that was given was that they wanted to perform the breach as quickly as possible. Uh, OPD had already made those decisions and everything. I met with the OPD SWAT team leaders and they showed me where they wanted to perform the breach on this west wall, yeah this is the west wall here. Yes on this west wall. So he and I advanced forward to the west wall. They showed me where they wanted to do it. I confirmed whether or not we could do it at that location. Um, a couple of things come into play with an explosive breach uh, on a wall like that. It's…it's a rather large amount of explosives relative to what we use on a door. So some of the concerns that I have to deal with as the senior breacher on this operation are uh, wall flex, whether or not the wall was going to cave in um, from the top once…once the breach goes. So normally what we would prefer to do, my first choice is to come just off the corner um, either corner. Operationally, tactically that's not what they wanted in this case. So we have to go with the tactics that are there. What they presented to me was they; from their reconnaissance from the intel that they were getting from cell phones and people from the inside was that we had these two bathrooms on either side. I confirmed the location of those bathrooms based upon the venting coming up out of the roof. Um, as close as we could figure, um, the location for the charge was decided to be and our target area was right but in this hallway.

Um, I checked the wall for piping as best we could and decided to place the charge right there.

AW: Can you go ahead and mark that?

FW: Sure. Right about here. So the charge was placed on the wall at that point. Um, um, roughly two feet off and the reason we picked two feet off the ground is so that it's just a step up and through for the team as they make entry. Uh, unbeknownst to me at the time um, there was a piece…the intel I had gotten was that the…the wall was um, an eight inch hollow core cinder block wall. Um, when I made my reconnaissance on it, I confirmed that it was indeed an eight inch hollow core cinder block wall because there were spots that had been knocked out previously for plumbing or something like that on the outside of the wall. But I could stick my hand up in it and confirm that we're not dealing with a solid concrete wall. That indeed it was a cinder block wall.

So the charge was laid there. The uh, unfortunately the left side or the right side of the charge, unbeknownst to me at the time, cause there's just…there's just no way to tell what's inside the wall was laid right on a piece of rebar. And a solid pour from the ceiling to the top. What happens with, and they build a cinder block wall like that is depending upon the (inaudible), the time that's it built um, every so many feet down the wall there's a piece of steel bar that ties into the bottom of the foundation, runs all the way to top course of block. And then they pour concrete all the way down there to encase that. So in this particular case the right side of the charge ended up laying right on top of the piece of reinforcing. Um, when we set the charge, the last words I got from uh, OPD, uh, command was as soon as the charge was set they wanted to blow it. Um, we rigged the charge, set it, um, fell back. I have a 40 foot lead on the charge. So I came back 40 feet back down the wall here, everybody else was in this area in a position of cover. I fired the charge and the charge went off as designed.

Um, there was some confusion at first because with the right side of the charge being laid on the piece of reinforcing that part of the charge did not, it didn't cut cleanly through the block wall. The top was cut clean, the left side was cut clean and the bottom was cut clean. So if you can imagine a door, simply hanging free, is what the...the charge left. Um, at that point we used the Bearcat and the ram on the Bearcat just simply knocked the rest of the block in.

AW: Okay.

JW: That might have been more information than you wanted but that's how the charge went. Um, at that point once the uh, once we had access in, we got guns on the hole, on the breach point. We started pulling survivors out. Um, it got a little disorganized at that point because obviously a lot of the survivors, even though they were...they were ambulatory, they could move on their own, once they got through the...the breach point they would just lay on the ground and not help themselves. So we had to pull people out of the element to drag them and carry them back over to the uh, the street to turn them over to other personnel so they could get medical attention whether they needed it or not. So that fragmented the whole uh, the stack, nobody was in the stack anymore. Um, we were doing all kinds of different things. Again time is a little messed up. It seemed like about five minutes of that going back and forth, um, running survivors back. Coming back getting another survivor stuff like that. Um, at some point on my way back from the street, I was coming at an angle about like this. I got to within about 20 yards of the breach point again and started hearing gunfire coming from the left bathroom again. Um, shortly after that the uh, the shooter emerged through the bathroom door into the breach point right here. I was looking at uh, two distinct types of muzzle flash coming out of the breach point. Um, directed in my area, in my way, I was caught in the open. No hard cover so I dropped to a knee and returned fire immediately. Um, what it appeared to me from my perspective was would have been on my left side the star flash from an AR platform and then another muzzle flash just off to the side of that from a handgun. Two very distinct muzzle flashes. So my...my perception was that he was firing both weapons at us at the same time.

AW: Okay. Um, now what was your position when you fired?

FW: I was um, about this angle to the breach point at about maybe 15, 20 yards out.

AW: Let me just get you to put initials there.

FW: Yeah I'll sign this. I was right about here.

AW: Okay so you was walking up, you saw the...you saw the muzzle flash?

FW: Yeah as I was approaching back, first I heard the shots. Okay, I could hear distinct shots coming from this bathroom. Um, after about the second shot, maybe the third shot I believe it was Scott

Smith tossed in the flash bang into the breach point. Um, we started to regroup for an immediate assault um, but I was still here in the open. Um, and the second flash bang went in and…and about the same time the flash bang went in, he came out. I believe was…was the sequence. Um, and uh, he just started firing at that point.

AW: Did you see him when he came out?

FW: From the flash bang, the first…the second flash bang that went in, after that um, all I saw was muzzle flash.

AW: Okay.

FW: And the muzzle flash was of course from my perspective, directed right at me so but I'm sure everybody else felt the same way.

AW: Okay. And so when you saw that you saw two distinctive…

FW: Two very distinctive muzzle flashes, directed in my…coming in my direction.

AW: Okay and you described the weapons as, the muzzle flash as?

FW: Once was the…the kind of the starburst that comes from an AR platform.

AW: Okay.

FW: Uh, you know, the flash suppressor on an AR type platform.

AW: Um, um.

FW: You get that…that distinct starburst there. And then the other one was…was much more subdued and it was just a standard muzzle flash.

AW: Similar to a handgun?

FW: Yeah similar to a handgun.

AW: Okay. Do you know how many rounds you fired?

FW: I think I fired; it was either 19 or 20 rounds.

AW: Okay.

FW: I was looking to get you know, fire superiority. I was stuck in the open.

AW: Okay. Um, did the subject ever say anything?

FW: Not that I heard.

AW: Not that you heard.

FW: Okay.

AW: So you didn't see him, you just saw the muzzle flash and the...

FW: I saw when he...when he first emerged and the flash bang. The...the flash from the flash bang.

AW: The second...

FW: The second flash bang.

AW: Okay.

FW: But it was...it was very brief, it was very short.

AW: Okay. Did he ever come out the hole?

FW: He didn't get the chance.

AW: Okay.

FW: I believe if...if he'd been given the chance he's have fought his way out. When we stopped him, he was literally standing on the pile of rubble that had fallen in from the breach. Um, his feet were probably six inches from the wall.

AW: Okay.

FW: And he fell straight back.

AW: What occurred after that? What (inaudible)?

FW: At that point because we have the...the intel we had was that he had an explosive vest on. So at that point I transitioned from shooter back into EOD tech. I have to get up to the breach to make a determination on whether or not we had a live device on him or not. Um, I get up to the breach, my partner Tony Cavass is already standing there. Um, I look at the shooter; he's laying back on his back. Uh, his left hand would be back like this and his right hand is...is kind of down by his side a little bit. The first thing I looked for...actually the first thing I saw was I saw a power device laying right between his legs. Power device for us is a battery pack. There's a black battery pack laying right next to his leg. Um, it ratchets things up a little bit, goes back in with the intel that we were receiving that he had...he had an explosive vest on. Um, the next thing I'm looking for is I'm checking his hands for triggers, firing devices. Both hands are empty um, his shirt is moved up slightly so I can see that his...his outer shirt is up. And his t-shirt is there, no immediate signs of a device. But again we've got power pack sitting right there between his legs. Um, call this breach point it's still hot because of the possible device. Uh, let Scott Smith know "you guys gotta come up with an alternate breach point to get back in here". At that point they're using the...I take up a, I'm still doing an anal...I'm still analyzing the body. Tony and I are still analyzing the body. While I'm analyzing the body I'm almost positive it was Scott, Scott was just off to my left, just behind me. He calls movement, fires one more shot in the bad guy.

Um, we're analyzing there. I let everybody know on the radio we're going to have an alternate breach point. We can't pull people out here because his body's not cleared yet. There's still the possibility of a device simply because of the power pack that's there.

Um, at that point I'm on...I take up a position here on the left side of the breach or the north side of the breach. Um, however you want to look at it. And I take up a long cover position covering down the hall into this area as best I can see. So I'm holding this spot here. Additional breaches are made in this bathroom and in this bathroom and more survivors are pulled out of there.

AW: Can you draw a mark?

FW: Yeah sure. Do you want a mark where the breach points were?

AW: Yes please.

FW: Okay.

AW: We know that this was the first one...

FW: This....this was the main breach point. I've now moved to this position covering long, down this hallway. Um, and the shooter, the bad guy, is laying right here. Additional breach points are made in this wall here and I think right about here. And then in this wall here, in this bathroom. And those aren't going to be exactly accurate but that's roughly where the breach points were made. And those were made using the combination of the ram on the Bearcat and the hand ram.

AW: Okay.

FW: Um, these are obviously much smaller points. And if you look at the pictures you can see how much smaller they are. But they're big enough to get people out of. How many people got out, we pulled out that side, I don't know because my focus again was covering long back into the club as far as I could see. And um, still analyzing the body as best I could. And at that point we get everybody out, um, those that...that we can see that are still ambulatory, can move, can crawl to us, whatever, we get them out. Everything kind of goes into a holding pattern because now we've got the live device, a possibility of the device on the shooter. So at that point the decision is made that what we'll do is we'll stand down. We're bring the robots in, we'll do a robot op to manipulate the body and do further exploration on the body for the device. Um, we do that um, get a good look to where we're satisfied that there isn't a device on the body at that point. Um, things have progressed a little farther now. The OPD guys, all of the OPD shooters, all of the OPD SWAT Team has now been pulled out um, and relieved because of their involvement in the shooting. However, Tony, Matt and I remain because we still have to work with the devices. So it's decided that we'll transition over and your team, the FBI's team will go back in with us when we clear all of the bodies of devices and um, make a determination on whether or not there's any more viable victims inside.

And uh, at that point we used the FBI's team and their medic to…to make that determination. So we go back in and uh, basically the…the sequence there was, as we came to a victim, we split up as we…as we would come to a victim we would clear the victim. Make sure there were no devices on that victim. Turn it over to the medic; the medic would make a determination on whether or not they were alive or dead. And we did that until we had put hands on every single one of the victims.

So they were all cleared. Um, once that was done we pulled back out. There was some down time. Uh, we manipulated the body a little bit more with the…the robots. There was another robot op going on over here being performed by the uh, Orlando Fire Department and that one wasn't going very well so there was a lot of downtime. Um, and we didn't…we couldn't get back in and get anything turned over until this op was done.

Tony and I went back in a second time, uh, before that was to happen so that could completely clear the body, the shooter and make sure there was absolutely no devices on him and that's when we basically removed the vast majority of his clothing so we could see skin, manipulated the body, rolled him over, made sure there was no question as to whether or not there was a device on him. Um, the battery pack we learned once we got in, the second time to do that manipulation was actually from the emergency lighting for that hallway. Which just happened to be positioned right over top of where the breach went. So when the breach went it fell down and that's where the battery pack came from.

AW: Okay. Uh, did that pretty much end your involvement?

FW: Uh, up until I went back in the third time I think. Had to go back in the third time with your team and your evidence recovery folks to give them a short rundown of where everything was. Uh, point out the things that we had moved in our search. And to identify the evidence that we had already identified for them.

AW: Okay. Now let me…let me go back to the holes.

FW: Um, um.

AW: Uh, now if I can get you to put a number as far as which one went first? Now we know the one in the center…

FW: That's number one.

AW: That's number one that was the charge went on that one?

FW: Yep that's number one. That was the explosive breach. Um, and you know I can't…I can't say for sure what the sequence was for the other holes.

AW: Okay…okay cause I know you…you mentioned uh, you went back this way. That's prior to the shooting.

FW: Yes, yes. I…I made…

AW: Did you say you went and dropped something off?

FW: Yep I made a…I made a couple of trips uh, dragging survivors.

AW: Okay.

FW: Back to the street. Immediately after the shooting when I approached to the…to get back up to make a determination on the um, uh, shooter on that device, I ran into…I think it was Tim Stanley and uh, Napolitano, who had taken the round to the Kevlar, and I grabbed him and ran him back, dumped him off and then came back.

AW: Okay.

FW: So he was…he was and moving at that point.

AW: So you don't the sequence of…uh…

FW: No.

AW: Whatever… (inaudible)…okay.

FW: And I think, a lot of them, they were probably being worked on at the same time. Well what happened we'd punch with the…with the Bearcat and then somebody would grab the ram and just make it bigger.

CB: Okay. I know you said when you outside before that it was all fragmented in the stack…

FW: Um, um.

CB: …kind of broke up. Uh, when you actually took your position and went down to a knee to shoot, was there a stack? Were there other people around you?

FW: No.

CB: I mean do you know who was around you?

FW: When I shot I was here about 20, like I said 15, 20 yards, maybe from the breach point. Um, there another group up against the wall.

CB: Okay.

FW: Um, Napolitano was about two to three feet in front of me to my right.

CB: Okay.

FW: So I saw him go down. Um, head snapped back and he dropped. Uh, bad for him but it opened up my line of fire better. Um, then keeping an eye on him because I was…I was basically shooting just over the top of him.

CB: Um, um.

FW: He's laying on the ground. He starts to move. I yelled at him to stay down, he stays down. Um, and I'm not sure at what point he got up.

CB: Okay.

FW: Um, but by the time I moved up, Tim Stanley had gotten hold of him, got him grabbed.

CB: Okay.

FW: Um, you know passed him off to me and then I ran him right back to the medics.

CB: So from where you were, Napolitano is veered off to your right.

FW: Um, um.

CB: And other people were to the right?

FW: Yes.

CB: Did…was anybody, did you see anybody or anything to your left?

FW: I had…I had a sense that there were people over here to this side. But I…not that I…I was focused on the breach point.

CB: Okay. And then you said um, on the second flash bang you seen the suspect…

FW: Yes.

CB: …do you remember a description of him? Like…like that brief moment that you seen him in the flash bang any detail that you can remember of him?

FW: Just that uh…

CB: Wearing?

FW: …he was…he was basically what he what I saw him with when I went out.

CB: Okay.

FW: Uh, light colored, like I don't know what they call them, long cargo pants. Um, kind of beige'ish color. A light colored shirt.

CB: Okay.

FW: Which I think ended up being like a checkered like blue and white. And then obviously he had a white t-shirt on.

CB: You see him at that brief point, did you see the guns in hands or you seen him and then the muzzle flash?

FW: I saw him and then the muzzle flash.

CB: It was kind of sequence like that okay. And what was your reason for using deadly force?

FW: I was being shot at. He was shooting at me and I was returning fire.

CB: Alright.

FW: And I was…and I was…I was in the open. I had no hard cover.

CB: Okay.

AW: Uh, do you know, I know you said that you don't know which particular order…but that would be the main breach was made, do you know if the south breach…well I'm sorry the south hole or the north hole was that the order that those two were made?

FW: I think the south; I think we hit the south first.

AW: Okay.

FW: Um, and I don't think that we started on the north until I called the main breach hole still hot because of the uh, the possible device. Cause that's when I told them we've got to have a different, you've got to have an alternate breach point. So I can't say for sure but I…I feel fairly certain that we did this south one first. We…well we did the main explosive breach first then we did the south, then when I called this one still hot because of the possible device, we started working on that one.

KF: Before uh, as you were deploying and before maybe you set the charges um, were you made of any intelligence of maybe set the charges, um, were you made aware of the intelligence of what had gone on before your arrival? Were you aware of the…the number of casualties.

FW: I had no idea what the number of casualties was. Just that it was active shooter. Um, that there were casualties inside. There were hostages inside and that the intel was was that he was strapping, that he had an explosive device, or explosive vest on him and he was putting an explosive vest on some of the victims.

KF: Okay. Did you get any intelligence about anything he relayed during the 911 call?

FW: No.

KF: No. Okay but at that point you were focused primarily on the explosives that had…

FW: Yes.

KF: …that threat…as your avenue (inaudible).

FW: That's…that's what I'm there for. Uh, the explosive breach and then clearing any additional explosives that may be in the…in the club.

KF: Okay.

CB: Anything else?

AW: Um…I have one more question. Um, when Lieutenant Smith…

FW: Um, um.

AW: You said once…once the suspect was down uh, you said that Lieutenant Smith uh, I guess the SWAT team…

FW: Um, um.

AW: Two lieutenants wanted to confirm that he was dead and didn't have the opportunity to prevent something because of the battery charge and all that. Could you go into a little more detail about how that sequence of events occurred?

FW: Um, I'm standing right at the breach point um, leaning in as far as I…I can trying to see if there's any additional uh, when we first saw, when I first saw the battery pack, excuse me, it appeared there were two wires. One from both legs of the battery that ran up underneath his legs. Um, so I'm trying to get a better look at those legs. So my focus 100 percent is on trying to trace these wires. Um, do they go under the pant leg? Is there something laying up underneath though and is there indeed a device that these wires are attached to.

Um, when I'm looking at a possible device I'm looking at…I'm looking for certain components. Obviously I'm looked for uh, a battery pack a power source. Okay I'm got a power source. Now I'm looking for um, conductors. I'm looking for wires that are going to run uh, to the next component that I need for an explosive device which is going to be some type of an initiator. Whether it's a…a commercial blasting cap, or whether it's a homemade blasting cap. Um, so that's what I'm focused on. Um, at that point I was not focused at all on the bad guy. I knew I had cover. Um, I had cover from my left and I had cover from my right. Um, so I'm focused on that. I hear uh, Scott sound out "movement" followed quickly by a shot. Okay. I mean I'm good with that, I don't…I don't have any problems with that.

AW: Okay.

FW: Um, he saw movement he wanted to make sure that this guy was uh, we finished and could move no more.

AW: Especially with that batter pack (inaudible).

FW: Absolutely. You know because even though, even though I did not see any switches in his hands it doesn't mean that the switch might not have been laid under side or something like that. Any movement at all can close that circuitry and cause a detonation. So even if it's not a…a say an assertive movement to grab the switch or anything at all like that just any kind of movement at all can cause that device to go off.

CB: Alright. Questions.

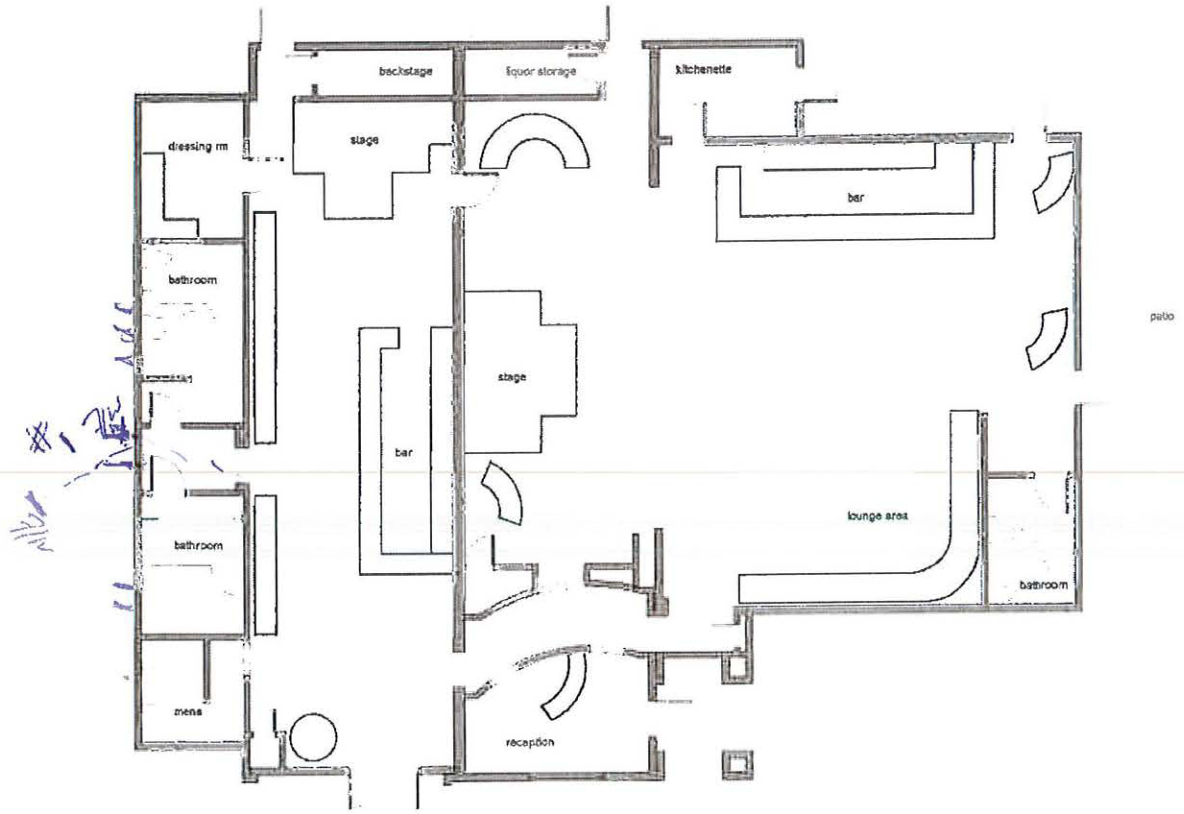
AW: If there is anything we failed to ask that you think would be pertinent to this investigation?

FW: No.

AW: Alright I appreciate your time. Uh, first let me get you to sign and date. The time is 1412 hours and that'll conclude this interview.

/cf **11/30/2016**

Pulse Nightclub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INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**Officer Elio "Manny" Florin**
STATEMENT TAKEN BY:	**FDLE Special Agent Craig Beers** **FDLE Special Agent Afonso Williams**
LOCATION TAKEN AT:	**FDLE-Orlando Regional Ops Center**
DATE:	**June 21, 2016**
RE:	**IR16-46**
ALSO PRESENT:	**No Others Present**
STATEMENT BEGINNING TIME:	**1022 Hours**

CB: This is Special Agent Craig Beers of the Florida Department of Law Enforcement. Today's date is June 21, 2016. The time is approximately 10:22 a.m. I'm at the Florida Department of Law Enforcement, Orlando Regional Operations Center in reference to FDLE case number OR-27-0258, which is a police use of force investigation that began on June 12, 2016. I'm conducting an interview with Officer Elio Manuel Florin, also goes by Manny, in reference to the officer involved shooting and also conducting the interview with me is Florida Department of Law Enforcement Special Agent Afonso Williams. And basically today Manny it's a…it's witness interview. You weren't involved in the shooting portion but just the actions that you took while you there and what you heard and observed is basically what we're going to be talking about.

MF: Yes sir.

CB: So if you can raise you right hand for me.

MF: Sure.

CB: Do you swear and affirm that the testimony you are to provide is the truth, the whole truth, and nothing but the truth so help you God?

MF: Yes.

CB: Alright and if you can just uh, go ahead and give us details about what happened?

MF: Sure.

CB: You need a…

MF: Yeah mind if I look at this?

CB: This diagram here you can mark it up.

MF: Okay perfect.

CB: And uh, it's a diagram of Pulse Nightclub. Where it says Pulse Nightclub is north.

MF: Um, um.

CB: And the rest is west, what have you so.

MF: Got you. Okay.

CB: So if you go through detail basically of who was with you.

MF: Yes sir.

CB: And initial certain areas where you actually stood…took a position and stuff like that.

MF: Yes sir.

CB: Okay.

MF: Okay um, so shortly after receiving the call I arrived uh, at Pulse Nightclub. I parked my police vehicle on Orange Avenue facing north kind of in between Dunkin Donuts and Pulse. Um, I ran up and shortly thereafter uh, Lieutenant Scott Smith and I met near the southern part of Pulse Nightclub. I believe this is the main door, if I'm not mistaken. Um, so as I arrive uh, there are shots being fired and I can clearly hear multiple shots. So at this point I know the only person that I am absolutely certain of who is uh, that I could see at this point was Lieutenant Scott Smith who was right next to me. Uh, we were standing essentially shoulder to shoulder. Um, I don't know who was behind me.

CB: Okay.

MF: So we started advancing into one of the…I think it was this door right here and I believe there's a big window right here. It was eventually shattered, um and I honestly I can't…I think I stepped through the window. I either stepped through the window or I came through the main door with Scott. It was one of these two entrance points right here. I can't remember which one.

CB: Alright.

MF: So then at that point we go in the building and we still hear shots. It's very dark. It's, obviously it's chaotic. It's hard to tell, I don't see anybody. I don't see the shooter. Um, I can hear the gunshots coming from the…the general direction of this back bar right here towards the bathroom area.

CB: Okay.

MF: So then we keep advancing. Again you know I remember going to the east part of the club and then also this part of the club that would be the west part of the club. I just can't remember in what sequence it was…

CB: Okay.

MF: …where we first made entry. All…I just remember being focused in the direction of the shots and Scott was standing next to me or I was standing next to Scott. And um, we kept on advancing and then we heard a lull in gunfire. Um, we didn't hear anymore. At that point um, again I apologize it's…it was…it's hard to kind of remember where I went at what time.

CB: No that's fine.

MF: So at some point we ended up behind this bar right here on the west side of the club.

CB: Okay.

MF: Okay so um, it was [redacted] was over here. Right here.

CB: Okay.

MF: Uh, Scott was somewhere in this area and I also know that Ben Chisari and Michael Napolitano were here too. And were all in this area together. Um, at one point Scott told me to go clear this hallway right here, cause it had not been cleared.

CB: Okay.

MF: So I ran over there. Um, cleared the hallway as best I could. This door was locked right here.

CB: Okay.

MF: Um, as so was this door and I believe that door went outside. Um, so then I came back…actually as I was in the midst of clearing the hallway um, I think I was pretty much done is when I heard the gunfire. Um, I didn't see it cause I was, you know, I had a job over here to do. And I heard the gunfire so then I ran um, well I didn't run; I basically kind of posted up right here. And I saw um, the officers behind the bar with their muzzles pointing towards this hallway.

CB: Okay.

MF: Um, then I…eventually I made my way back over to, next to Scott and the guys back here behind the bar. I ended up right here.

CB: Okay.

MF: Covering down right there. And I asked everyone if they were okay and everyone said yes. So then at that point um, I didn't hear any gunfire from that point on. At this point here we…we were just kind of communicating to each other make sure you have cover. You know um, I believe Michael Napolitano was somewhere over here and I told him to watch uh this door.

CB: Okay.

MF: Um, it had like a…like an electronic key pad lock on it.

CB: Okay

MF: And the door was locked so I said "hey just make sure you keep cover on that door". So [redacted] was right here.

CB: You mind just putting their initials there yeah.

MF: Yeah. [redacted] was right there.

CB: And where else?

MF: Um, I was right here. Ben Chisari was right here. And I think Scott, like we were all; it was…we were like basically all shoulder to shoulder.

CB: Okay.

MF: And Scott Smith was somewhere here in this general direction. And then somewhere off uh, I'm not exactly sure um, where Mike Napolitano was.

CB: Okay.

MF: I don't know if he was here, or right here.

CB: But he was definitely off to your right somewhere?

MF: Yes.

CB: Okay.

MF: Cause I remember talking to him saying "Hey who has that door" uh, you know and then I heard Mike say "I got the door, you know, covering down on this door right here" the dressing room door with the electronic key pad. So then at that point um, you know there's….things kind of settled down and um, then it comes to my attention, I want to say Scott told me hey there's two people basically underneath [redacted] right on the, it would be the south, like in this little corner right here. Underneath the bar huddled down.

CB: Okay.

MF: Two victims, gunshot victims. So Scott told me "hey Manny go you know get those people out of here" so there was one guy, he was…he couldn't walk. I believe he was shot in both legs. So he wasn't ambulatory. So I picked him up under his arms and dragged him out into this area over here. You know quote unquote the "war zone" okay.

CB: Okay.

MF: I dragged him out here and there were officers standing, I can't remember exactly where but somewhere on this side of the building. And I said "hey you know, get over here, get this guy out of here". Um, and get OFD in here, the Orlando Fire Department, start you know, rescuing, you know who needs to be rescued and...you know I mean there were...there were people everywhere. Um...

CB: Okay.

MF: So I hand...you know I pass this gentleman off to the officers. And then the other guy that was underneath the bar I asked him I said you know, you know "can you walk or can you move" and he said "Yes". So he ended up crawling or walking low...low walking out on his own. And uh, he was also passed off to the...the other officers who were kind of like, didn't really have a a job at that point.

CB: Okay.

MF: So at that point I come back in here and I...and I take back my position um, next to Ben Chisari covering down on this door.

CB: Alright.

MF: And then shortly thereafter is when it...I believe he started making phone calls. Cause we got the radio transmissions that he was talking to our dispatch saying that he...this is for ISIS or whatever he said uh, pledging his allegiance to the Islamic state.

CB: Okay.

MF: And uh, we basically held there. There was no more gunfire. Um, we held there for...until the SWAT team relieved us.

CB: Um um.

MF: And um, Officer [redacted] relieved me. Eventually...I'm sorry; eventually we ended up backing out to this door right here. This one right one.

CB: Okay.

MF: And then I believe [redacted] was over here. Um, to a position of more cover.

CB: Who was with you over at the doorway?

MF: It was...it was me, Ben Chisari...

CB: Okay.

MF: …and Mike Napolitano were in this doorway.

CB: The north one, okay.

MF: And then I know that [redacted] was over here somewhere and then, at this point, you know, many, many other officers were coming in.

CB: Okay.

MF: Um, pointing guns down here, you know in this area. And then it, you know, I don't know the time frame but I was relieved by uh, by uh, [redacted], [redacted], we call him [redacted].

CB: Okay.

MF: And then uh, officer, sorry Sergeant Mongelluzzo who's on the…he's a team leader on the SWAT team he, you know, he told me I had to leave and uh, there was a little. I told him I wasn't leaving and then eventually I was like alright well you know I'm not going. I'm just going to leave and you know do what I'm told so.

CB: Okay.

MF: And then at that point that's when my involvement inside the nightclub ended.

CB: Okay.

MF: And then I began to assist uh, the officers outside of the building. You know taking the injured…

CB: Okay.

MF: …out to a safe area far away from the building. Cause now they're talking about IED or…uh, you know explosives and stuff like that.

CB: Okay.

MF: So then you know I don't remember how many people I dragged out but um, you know we took basically out to Orange Avenue south of I guess it would be towards, maybe the command post where that was.

CB: Okay.

MF: And then other officers started, you know, we started loading the…everyone into cars, police cars and driving them away.

CB: Okay.

MF: Um, I stayed on scene until SWAT made their final breach and once there was that max exodus of victims, of hostages, that were, that had been free we started taking, the ones who were ambulatory were able to come out on their own and the obviously we had to physically take some out on stretchers and things like that.

CB: Okay.

MF: So that's pretty much um…

CB: Okay.

MF: If you guys have any other questions.

CB: When you initially got the call were you already working at that time?

MF: Yeah I was already, I was on duty.

CB: Okay.

MF: So...

CB: Alright you were working off duty or something?

MF: No, no I was just patrolling.

CB: Already working your normal shift?

MF: K-9 you know.

CB: Okay.

MF: Because it was a pretty quiet night up to that point you know so…we were just driving around and you know, we heard the call go out. And…and immediately I started heading that way and…

CB: Okay.

MF: …got there pretty quickly.

CB: Um, during your entire time inside the west bar area or anywhere in the club, did you uh, did you hear the suspect say anything?

MF: I did not.

CB: I mean…

MF: I did not hear the suspect anything.

CB: Okay.

MF: I didn't see the suspect. I didn't hear the suspect other than hearing you know his gunfire.

CB: Okay.

MF: Um, when we first made entry into the building. It was just you know, it was a lot of gunfire.

CB: So prior to you coming in the building you heard the active gunfire going off inside?

MF: Yeah, yeah and I immediately.

CB: Do you know what area about that that was coming from?

MF: The gunfire, you know it was…it was so chaotic but I mean it was kind in this general area.

CB: Okay.

MF: From what I…from…this is Manny Florin I could be completely wrong but it seemed like the gunfire was concentrated somewhere in…more the western side of the building.

CB: Western side.

MF: Cause that's immediately when we went through the door, like I said it was me, Scott and some…you know other guys…Scott was the only I could see cause we were like you know, standing right next to each other. We came in and we started advancing towards the sound of gunfire. But I…at…during that time uh, I never say muzzle flash and I never saw a person with a rifle.

CB: Okay. Alright.

AW: Uh, just confirm, you never fired any rounds?

MF: No sir. Um, I wish I was able to but like I said you know, Scott was like "go clear that hallway" and uh…

CB: Okay.

MF: You know so I wasn't even…I wasn't even aware that you know anything was going on in this area until I heard gunfire.

CB: (inaudible) okay.

MF: But that's…that's pretty much…anything else (inaudible).

CB: Anything else Fonzie?

MF: That's the best I can do for you guys.

CB: Anything we didn't ask you that you might think relevant to it?

MF: I don't think so I mean…I don't think so.

CB: Okay. Do you mind just signing and dating that.

MF: Yeah, yeah.

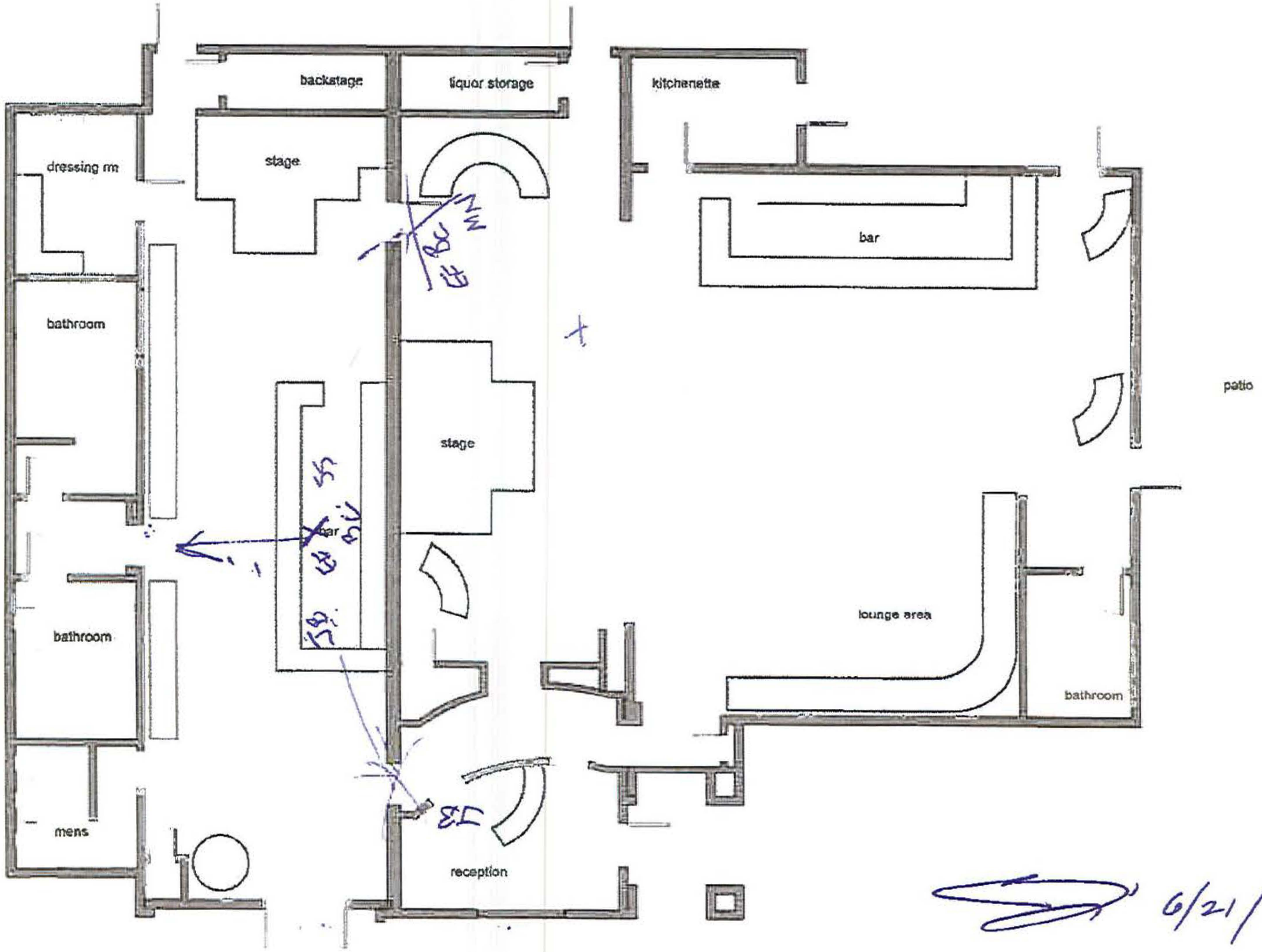
CB: Just so it's your diagram and it's the 21st.

MF: Thank you.

CB: And that'll conclude the interview at 10:37 a.m.

/cf **12/1/2016**

Pulse Nightclub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6/21/2016

Produced by the FBI Laboratory
16 June 2016

INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**Officer Ben Chisari**
STATEMENT TAKEN BY:	**FDLE Special Agent Afonso Williams** **FDLE Special Agent Craig Beers**
LOCATION TAKEN AT:	**FDLE-Orlando Regional Ops Center**
DATE:	**June 21, 2016**
RE:	**IR16-46**
ALSO PRESENT:	**FBI Special Kevin Farrington** **Attorney Jason Bankowitz**
STATEMENT BEGINNING TIME:	**1001 Hours**

AW: We're on tape. Special Agent Afonso Williams of the Florida Department of Law Enforcement. Today's date is June 21, 2016. The time is approximately 1001 hours. I am currently at the Florida Department of Law Enforcement, Orlando Regional Operations Center. I am currently speaking with Officer Ben Chisari.

BC: Correct.

AW: Of the Orlando Police Department. This right here is going to be in regards to FDLE case number OR-27-0258 which is an officer involved use of force shooting that occurred on June 12, 2016 at the Pulse Nightclub located at 1912 South Orange Avenue. Also present is Special Agent Craig Beers of the Florida Department of Law Enforcement.

Officer Chisari you are a witness in this case in regards to the shooting incident that we are investigating. So we're just doing a voluntary interview with you to get your side of the story. Uh, what role you played and...and what you observed, okay?

BC: Okay.

AW: Like I said it's solely voluntary so any time during these proceedings if you don't want to talk, answer any questions, let me know and I'm going to terminate the recording, you understand?

BC: Yes.

AW: Okay. With that said can I get you to raise your right hand? Do you swear and affirm the statement you are about to provide is the truth, the whole truth and nothing but the truth so help you God?

BC: Yes it is.

AW: Okay how long have you been employed by the Orlando Police Department?

BC: Six years.

AW: Six years. And uh, as you mentioned prior to going on tape that you are assigned to day shift bike unit?

BC: Correct.

AW: Alright. Okay what I'm going to do is I'm going to turn it over to you. Tell me how you became involved in this incident that occurred at the Pulse Nightclub back on the 12th.

BC: Okay um, it was around 2:00 we...we heard on the radio that there were shots fired at Pulse Nightclub. Um, I responded from there. Um, and uh, when I...when I arrived at Pulse I parked...I parked just on the east side on Orange Avenue of Pulse Nightclub. At that time I heard...I heard the shots being fired. Um, I grabbed my AR15 and uh, went on to the south side of the building where the main entrance is. During the time I...I heard gunshots. Um, as I was in front of the club I actually heard the guy; you know reloading a couple of times. Uh, we made a...we made a little team and made entry into the club. Um, at that time the shots...the shots were...we heard the shots kind of from the west side of the club. I guess it was the bathroom area. Um, we quickly cleared the club and uh, where the shots were being fired, the shots....as we uh, we were at the bar area the shots ceased. And um, probably like maybe five minutes of kind of holding that door um, I guess uh, um, Lieutenant Smith and Sergeant [redacted] engaged on the suspect and the...it's like T, T bathroom. I guess it was a male and female bathroom in the center of the stage area. Um, at that point I was...I was actually watching the uh, like a north, the north dressing room. Um, and as soon as they engaged I moved over to uh, you know to assist them. I didn't...I didn't shoot any. I didn't engage the suspect. I was just there for coverage.

AW: Okay. Uh, so once they engaged the subject what...what did you do from there?

BC: I moved from...I moved from watching the uh, the north dressing room door to moving over to the center T um, to the bathroom area helping them cover that, you know cover that hallway.

AW: Okay. How long you stayed in that position?

BC: Um, quite a while and then we...and then we moved back. I moved back to, there was like a door on the...on the north side or the northwest side. Watching, you know, pretty much right...right alongside the uh, like the stage and watching that door. So we were at that door for quite a while. And then you know probably an hour or so into it...he um, he said that he had like bombs strapped to him and you know, he was getting ready to blow the place up in 15 minutes. So we moved back past the main dance area where all the, you know, where all the bodies were to the back patio area where we had a clear...clear view of the door and the stage, or the clear...of the door and the dressing room door. And there was a team on the...there was a team on the south side able to look at the whole bar area. You know we got the bathroom, the T where the male and female bathroom is and the dressing room. So they were loc...all the way down the hallway.

And then that's when um, there was like hostage rescues so you had the other…the other team on the west side. And they made entry from the wall.

AW: Okay. I'm just going to have you keep going until you…you end your involvement with this?

BC: That was…that's my involvement.

AW: So your last position was towards the back patio?

BC: Yes.

AW: Okay.

BC: Yep.

AW: Were you ever relieved from that position or…

BC: No.

AW: So you stayed through….

BC: (inaudible)

AW: …you know, this is what I'm going to do. Uh, this right here is a uh, floor plan…

BC: Yep.

AW: …of the nightclub.

BC: Yep.

AW: So what I'm going to have you to do…

BC: From start to finish?

AW: Yeah from start to finish have you explaining.

BC: Okay.

AW: And I'm going to have to track your position, based on your initials and number one where you started at…and what you…

BC: If this is Orange Avenue I parked, I parked right here. I parked right here. Um, when I got out I came around and met up with all the officers. You know, you got a bunch of officers you know on this wall and the pillar. Um, I came up…

AW: If you can label north, south, east, west.

BC: Okay this is north. And…

AW: Okay.

BC: Um, so I came up, officers were on the pillar. Uh, we…it was Scott Smith, um, Mike Napolitano, uh, Manny Florin and myself, we uh, you know we got…we had our team together and we heard the shots being…we heard the shots going off in this area right here. You know all the, you know that's where the main um, area is. So we busted out this window…or Mike Napolitano busted out this window so we can get a view of inside. Cause it's kind of like…like a painted window almost. Um, and at that time we entry. I believe, I can't remember if we, if we went in the window or we went in this door. I think we went in this door. You know what…I don't know. I can't…I can't remember if we went in the window or the door honestly.

AW: Um um.

BC: Uh, where we ended up, we ended up um, going through here. Clearing this area uh, they…they cleared the bathroom. We did not clear in here because we kept hearing shots from this…this general area right here. So we kept on clearing. Um…

AW: So this general area would be the west side?

BC: West side.

AW: West side, restrooms area?

BC: Yes.

AW: Okay. So that's where ya'll heard shots. So ya'll didn't clear those?

BC: Yeah we didn't…we didn't clear this um, cause we didn't know you know…we were just…I'm not sure…I'm not sure exactly why we didn't move in there. Um, as soon as we cleared you know the shots kind of stopped so we…so we…I believe I was right here.

AW: Put your initials there.

BC: I was right here along with um Manny Florin.

AW: Put his initials. So ya'll both was in this area by the stage…

BC: Yeah we were…

AW: … (inaudible).

BC: …yeah this is kind of stage so we kind of got cover on here guard…guarding this door. And uh, you know a couple minutes into it um, it was Scott Smith and uh, [redacted] was over here.

AW: Okay.

BC: Actually [redacted] was on this other side of the bar and Scott Smith was in the bar. Cause it was, I mean it was, some people in the bar that, people had to, you know had drag out of there. So um, a couple of minutes into a guy, the guy um, you know popped his head out right here.

AW: So that's from uh, he popped his head from…on the label you're indicating a bathroom.

BC: Yeah it was…

AW: Was it the north side or the south side?

BC: It as the south side bathroom.

AW: Okay did you see the guy when he popped his head out?

BC: No I did not, I was over here covering. As soon as they started firing I assisted them um, I was right here.

AW: Okay. So you moved to…behind the bar?

BC: I moved, you know….as…as soon as they were firing and uh, you know, I helped them cover that…that hallway.

AW: Did you see who fired again?

BC: I didn't see…I saw…I saw uh, I saw Scott Smith fire. I did not see [redacted] just cause you know, the angle. I just…I didn't see him. I…but I looked over and you know they were engaging him.

AW: Okay. So once you heard the gunshots uh, you left your position…

BC: Right.

AW: …and went behind the bar?

BC: And Manny…and Manny Florin and then Mike Napolitano was…was also there uh, guarding you know watching this door right here.

AW: Where Mike was positioned…Napo was positioned at?

BC: I don't. He might, I really don't…I just kept on, cause I…I was…I mean I focused right here at that time. And I just kept on…I kept on yelling "hey someone get that…get that other door. Someone get that other door" and they said "hey we got it, we got it". I didn't even look over there.

AW: Okay.

BC: But they…I know…I know Manny was over there and you know a couple of minutes after that I got the position again. You know, we came over here and we were pretty much at this doorway watching that door. Um, and there was another team, there was another team like over here, you know watching, watching down. I don't know who was over here.

AW: Okay so once you left this position where did you go?

BC: After this uh…

AW: From the west side of the club?

BC: From…from here it was probably like a good hour and a half I don't know. An hour or so that we were just, you know sitting here waiting, no shots at all. Uh, every now and then you heard some you know, movement in this area. Um…

AW: That area, cause there's audio recordings…

BC: I'm sorry the dressing room.

AW: Okay.

BC: Um, we heard some moving around. Um, so probably like an hour or hour and a half, we were…we were holding this; we were holding this whole room. You know, one person had you know eyes on the bathroom and one…one person had eyes on the dressing room. And uh, after that he, the suspect, um, said that he had a bomb strapped to him and he was going to strap you know four…four hostages with bombs and place them at each corner. So um, you know several minutes after that we moved back to the patio area, right here.

AW: Can I get you to put your initials here?

BC: Yeah. We moved back to the patio area where we had a clear view of the door. So if you know, if anything happened, if he came out here, if he came out to the lounge area or the dance area. Um, we would have eyes on him. And we also had a team on the south side watching that whole hallway where the stage area is and that other bar where we initially were. Um, they had eyes on that. Um, you know and…

CB: Was anybody out there with you?

BC: Yeah.

CB: (inaudible).

BC: It was Sergeant Mongelluzzo, Anthony Mongelluzzo. It was um, Hank Wong, Hank Wong was actually here. All those people were actually here um, when you know they had a callout, SWAT got called out.

CB: After the shooting (inaudible)?

BC: After the shooting yes.

CB: Or after Scott shot?

BC: Yeah. Yeah these…those were just like the initial um, the first responders.

CB: Okay alright.

AW: Okay so once you left the west side of the club you went to the far east?

BC: Far east.

AW: And you were stationed out on the patio for the duration?

BC: Yes.

AW: Okay. You said throughout when you arrived on the scene you heard gunshots?

BC: Yeah this…I mean this whole, the whole time from leaving my car to you know putting together a team real quick to in. It was…it was gunshots right around this area. Um…

AW: You mentioned something about a reload? You heard something…

BC: Yeah I heard, I heard the guy, I mean it's…I heard shells dropping and reloading it was like, my senses got heightened. Um, and he was reloading um, and then it kind of ceased a little bit. And then it started up again. Then we heard it in the bathroom, so he must have, the guy must have went you know, through here. And into…I mean I don't…I think it was…I think it was this room right here where he was in or the bathroom or whatever.

AW: So you heard it from the west side?

BC: Yeah we heard it from the west side.

AW: Shooting from the west side?

BC: It was, you know, it was back in this corner right here. Back in the uh, the northwest corner.

AW: Did you ever see the individual?

BC: No I didn't.

AW: Did you ever hear him say…did he say anything to your knowledge?

BC: No he didn't, no.

AW: And all the communications that you was hearing about the bomb and he was going to send people out was this…

BC: That was all relayed over the radio.

AW: Via radio?

BC: Yes.

AW: Okay.

CB: That's pretty much it. Um, when you initially came in, actually which way did you go when you initially came in?

AW: Um, like I said…

CB: Even if you came in through a window or door did you sweep through the (inaudible).

BC: No we went…we went straight to the left.

CB: Okay.

BC: Um, it was…it was uh, it was Lieutenant, who is Scott Smith. He as kind of like sweeping over here. It was Manny Florin.

CB: Okay.

BC: Who was like right here, like…and then I came in um, and then we pretty much cleared this…cleared this area.

CB: So you guys essentially dominating the west side?

BC: Yeah we cleared this area real, real quick. Um, actually I almost opened that door right her.

CB: Okay.

BC: It was a keypad door. And then um, and then we kind of um, we just pretty much as soon as like the shots…the shots stopped…the shots pretty much stopped as soon as we were kind of clearing this area you know.

CB: Okay.

BC: And then we…we got into our positions as far as um, watching the doors.

CB: Okay.

AW: Who was part of your contact team again?

BC: It was um, Scott Smith, [redacted], Manny Florin, myself.

AW: And I know you mentioned Napo.

BC: Oh and Napolitano, Mike Napolitano.

AW: So he…he was part of your contact team as well?

BC: Yes.

AW: Okay so ya'll dominated the west side?

BC: Yes I'm not…I'm not sure uh, I don't…I mean I think Mike actually went this way. I remember seeing him over here. I mean Mike Napolitano came you know.

AW: But you don't know which…

BC: I don't know…I don't know who…I don't know who was behind me. I know it was Scott Smith and Manny Florin and myself.

AW: Okay.

BC: I don't know where he was as far as being…but we did make contact…uh, Mike Napolitano came you know, he was actually in the bar with me.

CB: Okay.

BC: With me and Scott Smith at one point. And I remember talking; we were talking to each other. And then he went back over there uh, to the stage area.

CB: Okay.

BC: And watching the door.

CB: But you guys were the actual initial team…

BC: Yeah.

CB: …to go in. Okay. Okay.

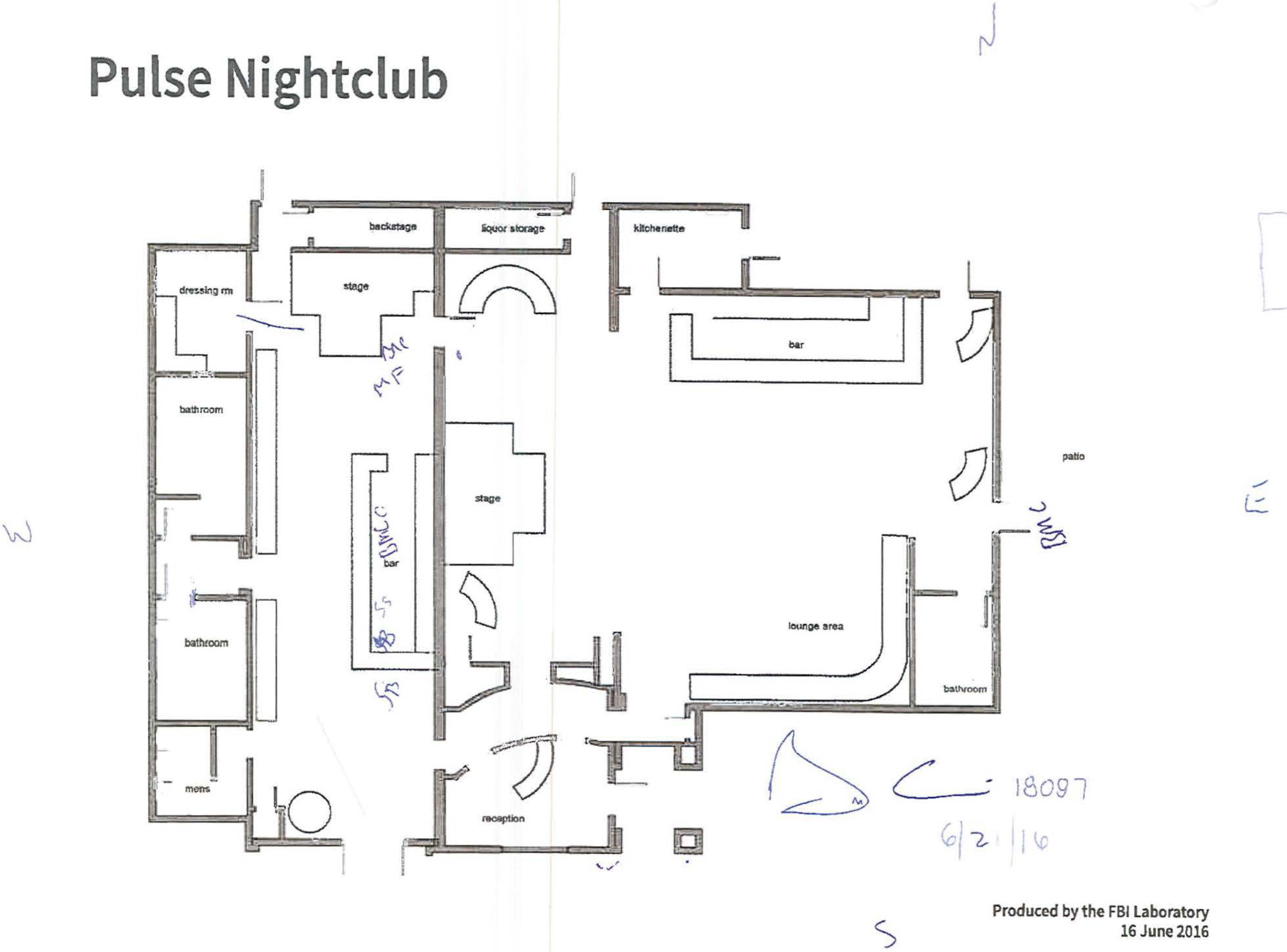
AW: Alrighty, if there is anything else we failed to ask that would pertinent to this investigation?

BC: No. I can't think of anything.

AW: Alright I appreciate your time. The time is 1017 we're going to conclude this interview.

/cf **12/1/2016**

Pulse Nightclub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Produced by the FBI Laboratory
16 June 2016

INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF: **Agent [redacted]**

STATEMENT TAKEN BY: **FDLE Special Agent Mark Mainer**

LOCATION TAKEN AT: **East Patrol Substation**
595 N. Primrose Drive
Orlando, FL

DATE: **June 12, 2016**

RE: **IR16-46**

ALSO PRESENT: **No Others Present**

STATEMENT BEGINNING TIME: **0845 Hours**

MM: Okay today's date is June 12, 2016. It's 8:45 a.m. This is Special Agent Mark Mainer with the Florida Department of Law Enforcement. Also present is Officer?

[redacted] [redacted]

MM: [redacted]?

[redacted] Um, um.

MM: [redacted]

[redacted] Yes sir.

MM: And are you an officer, you a sergeant or?

[redacted] An officer.

MM: And you're an officer with the Orlando Police Department correct?

[redacted] I am.

MM: How long have you been employed with Orlando?

[redacted] Uh, just over fifteen years.

MM: Fifteen years. What's your primary assignment?

[redacted] Uh, currently I'm assigned to the Drug Enforcement Administration.

MM: Okay. As a task force agent or?

[redacted] Yes sir.

MM: Okay. Um, do you also serve a dual role on the SWAT team?

[redacted] That is a collateral duty for me yes sir.

MM: Okay did...is it...I'm assuming it's a part-time role?

[redacted] Yes sir we're on call.

MM: Okay.

[redacted] Yes sir.

MM: Okay and you train with the team and that kind of stuff?

[redacted] Yes sir.

MM: How long have you been a SWAT team member?

[redacted] Uh, twelve years.

MM: Twelve years. Okay we're going to obviously talk about the incident this morning that occurred. Roughly 2:00 a.m. at the Pulse Nightclub. Um, can you walk me through, where were you at this time, where you working when this call came out?

[redacted] No sir I was home asleep.

MM: Okay. How were you made aware of this incident?

[redacted] I received a text message for a SWAT callout.

MM: Okay. What were you told about...about this callout?

[redacted] Uh, in the text message uh, that we were all sent, it said this was a SWAT callout per Lieutenant Smith, Scott Smith, um, involving an active shooter at the Pulse Nightclub and that that subject was armed with a rifle.

MM: Okay uh, what did you do then?

[redacted] Got dressed, uh, drove to the area of Ester Street each of Orange Avenue, south of Kaley.

MM: Okay.

[redacted] Where it was one of the rally points for SWAT. Um, parked my vehicle, got dressed in SWAT attire.

MM: Okay. Now you're wearing SWAT attire right now.

[redacted] Yes sir.

MM: It's camouflage; you have an Orlando Police Department patch on…on both arms.

[redacted] Yes sir.

MM: Were you also wearing ballistic gear?

[redacted] Yes sir. Entry vest, heavy vest that also POLICE across the front and the back, in white lettering.

MM: Okay. So you get dressed out, do you attend any briefing or anything?

[redacted] Um, at that point, due to the fact it was an active shooter, they were trying to rally guys closer to the scene as quick as possible. So myself, Lieutenant Jon Bigelow, and approximately three other team members loaded into one of the armored vehicles from the team and got to the west side. We were directed to the west side of the Pulse Nightclub.

MM: Okay. So you went to the west side. Now what's your function on the SWAT team what…

[redacted] I'm part of the assault team.

MM: Okay.

[redacted] So entry team. Um, we got the perimeter secured on the west side and we established a hold on the northwest corner and then the west side of the building, the…the officers I was with.

MM: Now from that vantage point what did you see of Pulse Nightclub?

[redacted] The west side of that building is uh, is actually all uh, concrete block.

MM: Uh, uh.

[redacted] But there are exits on the north side we were informed. So we were concerned as far as making sure that we had secured that so no one could get out of the nightclub uh, and get out of the perimeter on foot. So we were, kind of, again being at the northwest corner of the building, we were looking east along the north end of the building where those doors were.

MM: Okay.

[redacted] And we were told that they could make, make an exit out of those doors. So our responsibility at that time was to watch and hold that.

MM: Okay you were containing that area?

[redacted] Yes sir.

MM: Okay. Um, so you get on scene, you're doing this; you've got containment on him, uh, what happens next? What significant event happens next?

[redacted] Uh, pretty normal radio traffic as far as on the SWAT channel. Teams just getting established and relieving patrol units and trying to get a hold...a foothold you know on the perimeter. Um, we were advised that we did have some officers with an eye inside of the building in the dance floor area or the bar area.

MM: Yeah.

[redacted] So we were aware that some of our guys were already inside. Um, and holding that due to the fact that we were being told that the shooter was in one of the bathrooms. I guess there was three bathrooms from what we were told.

MM: Okay.

[redacted] And the shooter was in there so there was one hallway in and out of those bathrooms. So they pretty much had that uh, hallway capped if you will.

MM: Contained for him...

[redacted] Contained in the event that he were to try to make, or try to make an exit out back into the middle of the club.

MM: Now you're being told this via radio, correct?

[redacted] Yes sir.

MM: Um, so you're holding there um, do you...uh, what happens next?

[redacted] We uh, receive some more information via police radio that um, this person, the FBI had advised that this person uh, is on a watch list, um, on a terrorism watch list. And um, which kind of obviously heightened our awareness that this was not a regular callout if you will that we were dealing with someone that had some more motivation than an average bad guy. I guess for lack of better words.

Um, shortly thereafter we were told that he had at least one gun, a rifle, and that there were numerous victims, deceased, from him shooting them inside of the nightclub. I think we were initially told there was approximately 20 people uh, shot and killed in the nightclub from him. So we, again that kind of heightened it a little bit more that we knew he was there.

MM: Okay.

[redacted] Uh, and still in the building. We received some information that he had past information, we're not sure, I'm not sure how that had gotten to us, but that he had made peace with Allah and that he had four um, bomb vests and that he was going to strap them on four living victims that he had himself barricaded in one of the restrooms with.

MM: So he had hostages?

[redacted] Yes sir. We were told there was um, I want to say that he probably had 10 or 12 people in that restroom. While we were waiting for some further updates, myself and a few other team members uh, were instructed that there was four civilians locked in a dressing room on the north side that we were watching and that they could hear us…

MM: Yeah.

[redacted] …outside the building. We opened up one of the north doors uh, that was uh, went into a hallway on the north side of the building and they were in a dressing room to the left.

MM: Okay now what do you see? You open the door, you're looking at, what do you see?

[redacted] Uh, Officer Tim Stanley opens the door, I have my rifle. I chunk the corner to make sure no one was standing there. And I started giving verbal commands "Orlando Police" in hopes that those folks that were communicating with dispatch would…would hear us. They did in fact. I said…told them to open the door. They slowly opened the door and I told them to put their hands up just in case the bad guy was mixed in. We were also told that there was a possibly a second bad guy within the crowd so we were looking for that as well. Four adult males came out with their hands up. We patted them down real quick and moved them to some patrol officers that were on the perimeter to debrief them and try to gather some more intel.

MM: Yeah.

[redacted] We checked that room real quick just to make sure there was nobody else in that dressing room and then we retreated back to where we were on the northwest corner. Um, as far as holding that hallway we didn't feel that was safe because we knew our guys were inside down range if you will already inside at the bar so we'd be ineffective as far as fire power there if someone were to come out. So we backed out, let them….

MM: You were concerned of a crossfire potentially.

[redacted] Yes sir. So backed off of that um, and then again held that corner. Um, again I think that might have been when the time that we actually hear that he's going to send four people in 15 minutes and have them detonate. Um, so we took a little better position of hard cover, all we had the time was a uh, marked patrol vehicle.

MM: Um, um.

[redacted] So we maintained our…our guns on the building but we took cover behind that. Some time had passed and things started escalating due to the fact that he said he was going to do that. So we were first going to introduce gas into the restroom he was in through the wall.

MM: Um, um.

[redacted] Um, with the thought of it would at least disrupt him where he wouldn't be able to carry that task out of arming these folks with explosive vests, we got…on one of our APC's, on the front of it, it has an actual tool that will drive through concrete?

MM: Okay (inaudible) cutter.

[redacted] Yes sir, exactly and it'll inject gas into the building.

MM: Okay.

[redacted] We got that situated um, and prepared to do that however, once more calls were coming in through social media and texting with other folks, I guess the Comm Center obtained more information that there was approximately 15 more um, hostages but in the bathroom across from where the gunman was. Uh, they were in there. So um, we were going to move on that and then we had heard in another room, a storage room, there was more victims that they had barricaded themselves in there to try to hide from the gunman.

MM: So at this point you're aware that not only is there hostages but there's also unknowns in there as well? Other people scattered throughout the…displaced throughout the different building. That's what you're being communicated to you?

[redacted] That's correct.

MM: Okay.

[redacted] There was an air conditioning unit, a window if you will, air conditioning unit, seated into the concrete block in the northwest corner. We pushed that unit in and they said they could hear us. They were communicating to someone on the phone. Um, we told them you know "come this way, come this way" and four more um, I want to say, I'm sorry it was about six adults, combination of males…I'm sorry, correction that was eight people that came out of the window. And they were a male and female mix. Uh, they came out; we tried to gather some intel from them. Some spoke Spanish only. We did have a Spanish speaking officer with us on the team. He asked them a few quick questions. They had not seen the gunman. Um, so we had them with their hands over their head and kind of monitored them as we turn them to over to patrol also to check their persons as well and to debrief them.

At that time uh, the decision was made, kind of things started moving along at that point, that we were going to do our best and they had Orange County Sheriff's Office Explosive Ordinance Unit come. And they were going to put a shape charge on the exterior of the building. We were attempting to blow a hole into the restroom that the other victims were in without the gunman and get them out as well.

MM: Now when you say a shape charge uh, what are you talking about?

[redacted] Uh, it would be an explosive device that was formed into a rectangle.

MM: Um, um.

[redacted] And it was about maybe three feet by four feet high, three feet wide, four feet high. A team had moved up under our cover, placed the shape charge with the EOD's guys on the wall...

MM: And it's sticky, it will stick to the wall and it can blow...penetrate and blow a hole through the wall.

[redacted] That was the plan, yes sir. Um, it was a failed breach. It blew, but it was failed. It did not move the concrete but it definitely looked like it had softened it.

MM: Yeah.

[redacted] Um, we quickly changed out the apparatus on the front of the APC from that penetrating rod to a ram that we have on there. And uh, Officer Woodyard, who was driving the APC that we were next to, drove that uh, was told by Lieutenant Smith to drive that into that shape charge area.

MM: The soft area in here.

[redacted] And cave that con...that block in, which he did. Uh, after a few strikes of that there was probably another dozen folks that came out of that bathroom. Um, and we just dragged them as quickly as we could. Some had been shot, um, you could tell some people had some obvious gunshots on them. One guy was shot in the chest, couple people shot in the arm and leg. We got those folks out there.

MM: Now were the mobile or were you...did you have to grab a few and carry of them?

[redacted] We...probably the majority we had to grab and pull out of the window.

MM: Yeah.

[redacted] Some just couldn't do it under their own strength. And some were I think in shock so we kind were looped to actually do the task. We got them out. Again turned those over to some patrol guys who were debriefing them. We checked them real quick for weapons. Make sure the gun, another...the gunman wasn't mixed in the crowd and uh, and evacuated them folks. At that time we knew, we could see through another hole that we had knocked in the wall, that there was actually, it was just outside of this restroom, was the restroom to the north, which is one that we were told the gunman was in.

MM: Um, um.

[redacted] Um, there was a door; you could see the door was like some uh, fogged glass on it.

MM: Yeah.

[redacted] To the restroom. And um, so the door was in the closed position. We kept some guns on that door just in case he did come out. Pretty much at that point we wanted to contain him in that room. So two or three flash bangs were thrown into that hallway.

MM: Now were you one of the guns on the…on the door?

[redacted] I was.

MM: Okay.

[redacted] Initially I was.

MM: Okay.

[redacted] It was myself and probably five or six other SWAT teams members there. Uh, we had clear line of sight of the door. At that time um, just as we get the last hostages out and we're now throwing flash bangs into that hallway to contain him in that bath…that one last bathroom cause we were then going to penetrate that wall and try to confuse him that way and…and make entry. The uh…

MM: Now as your doing this and I don't mean to interrupt you but…

[redacted] Yes sir.

MM: …are you hearing anything at this point?

[redacted] At that point no, nothing at all, which was kind of surprising.

MM: No…nobody's calling to you, yelling to you, no gunshots anything like that?

[redacted] Nothing.

MM: Okay.

[redacted] So at that point um, we were pulling the APC back. They told the driver to back the truck up. I was on the right front corner of the APC with my rifle downrange at that front door. The truck started backing up far enough away where I couldn't get an angle on the door anymore. So I adjusted and stepped off the truck to the right where I could get a better vantage point on the door with several other SWAT team members.

MM: Um, um.

[redacted] When one or two of the bangs went into that hallway in front of that restroom door, I noticed that Lieutenant Jon Bigelow had run around the back of the APC to the driver's side to get his angle on that door as well.

MM: Yeah.

[redacted] I decided since we had five of us already on that side on the door, I was going to go with him so he wasn't alone. As I started running along…to the rear but along the passenger side of the APC, I got just about to the back and the driver started hitting the gas to back the truck out even further. So I was kind of running behind the truck so I wouldn't get run over and trying to yell at him to "stop the truck, stop the truck" so he didn't run me over. Cause he was coming pretty quick. As I just got around the left rear, the driver's side rear of that truck I heard...and I stand corrected, I apologize. Prior to the truck backing up and prior to um, my...me turning around, we started hearing shots inside. One, two, three and they were slow and deliberate.

MM: Now when you say shots, uh, you're well trained, what did you determine possibly was being fired at that point?

[redacted] I completely believed it was the gunman hostages?

MM: What...rifle? Pistol?

[redacted] At that...at that time it sounded like a handgun. It wasn't loud enough for me think...but again it was in the bathroom. But I...

MM: It would have been muffled.

[redacted] ...yeah but I did think it was a handgun. So I...I thought we were going to make an entry for hostage rescue, which is how we train.

MM: Yeah.

[redacted] The issue was, the only opening that we could get to that door was about four feet high and it wouldn't be big enough for one of us especially with all our gear to get in that safely, to climb into that hole. I mean we...if he swung that door open which he eventually did we would have probably lost one or two of our guys.

MM: But you're hearing the multiple gunshots and to you each gunshot is somebody being shot?

[redacted] Yes sir, yes sir.

MM: So you have that fear going on?

[redacted] Yes sir, there's nothing that's indicating the rounds are coming out our way. It sounds like it's all contained in that bathroom. I ran around the back of the truck like I said to get another vantage point and I'm thinking "okay if we're not making entry through that hole because it's not feasible, we're going to have hope the team from the inside comes and we're going obviously lower our guns to let them make an entry."

By the time, going back to what I was saying when the truck was backing up, I try to outrun the back of the truck and when I get to the left rear corner I now hear gunshots a lot louder and a lot clearer as if the person had cleared the doorway and is now shooting out. But I'm not seeing that. I'm only hearing it.

MM: Sure.

[redacted] Cause I'm not hearing any of guys fire. Probably about maybe two rounds of being fired from there and they keep coming is when I hear our guys, that I was originally standing with engage the suspect.

MM: Okay.

[redacted] I make it, eventually as I come down the driver's side of the APC to pick up an eye on the guy. I can't see him and the firing, our firing stops, his firing stops. Um, I went back across the front of the APC. We moved forward uh, to the um, hole in the wall where we could look in and down.

MM: Yeah.

[redacted] And that's where I see the suspect laying on his back, still with the handgun next to him. Um, the decision is made then because of the fact that there's a big battery next to him with some wires coming out of it on his per…it appeared to be on his person, on his right side.

MM: Yeah.

[redacted] The…one of the EOD guys said "he has a device, he has a device" so Lieutenant…I walked over with Lieutenant Smith, he fired a single round uh, into um…he fired a single round into the suspect's head. Um, at that point neutralized him and then we went back over, still wondering if there's a second gunman like we had been told. That information came and went several times throughout the course of this event that there was someone and there wasn't somebody.

MM: So as I understand, he's down on his back, did you see him moving at all, the suspect?

[redacted] I did not see him moving no, no. I just saw that…

MM: Okay from your vantage point?

[redacted] Right from my vantage point I was off to the left I could not see…I could only see his face.

MM: Yeah.

[redacted] So I…I…peered in with my rifle, could see the gun and that's when the EOD guy said "hey he has a device, he has a device on him".

MM: So from my understanding, just so I'm clear.

[redacted] Yes sir.

MM: Um, you've already been told over the radio that um, this individual has communicated he's going to put four suicide vests on four potential hostages and blow them one at time. Was that my understanding?

[redacted] He was going to have the four people, yes.

MM: Okay.

[redacted] Detonate at the same time.

MM: So you've been made aware of explosives?

[redacted] Yes sir.

MM: Um, the individual now, as you see…you see a battery on the side um, did you notice anything about uh, his chest or anything about his chest that would indicate maybe he had a vest also or did it seem…

[redacted] Where the battery was positioned was around his waist area.

MM: Yeah.

[redacted] So I couldn't see that because of the rubble.

MM: Okay.

[redacted] So I could only see basically from about his nipples, chest up.

MM: But you saw a battery with wires?

[redacted] Oh yeah it was…

MM: And then you have your explosive EOD, I'm going to say expert.

[redacted] Yes sir.

MM: Telling you he has a device, he has a device.

[redacted] Yes sir.

MM: And at that point Lieutenant Smith fires a single round into the individual's head.

[redacted] That is correct.

MM: As best you can see?

[redacted] That is correct.

MM: Okay. I just want to understand the history as we built up to that.

[redacted] Yes sir.

MM: Okay.

[redacted] Um, with that now that we feel that he is neutralized, we um, EOD is telling us we need to "back up, we need to back up and clear the area, clear the area". However, we still have this same restroom full of people now very clearly screaming "help me, help me, help me, help me"…um…

MM: Okay you can you hear screams now?

[redacted] Oh now it's loud. It's the first time we can really hear it.

MM: Yeah.

[redacted] Um, there was a partial hole in that wall again from the ram into that bathroom. So um, one of the guys, Tim Stanley, Officer Tim Stanley gets the actual hand battering ram and starts trying to knock some of the concrete in to make that whole bigger.

MM: Yeah.

[redacted] Um, which he eventually does and it a still a small hole, its maybe three by three. And we're now trying to order those folks out of that bathroom, out of the bathroom. Some people are saying they can't move. Some people again I believe were in shock just like the other folks. And one by one we start pulling those folks out. Officer Tim Stanley, Sergeant [redacted] and one of the other uh, assault guys, enter that hole because some of the folks won't come to the wall. As well as we, again, still thinking if there's a second gunman in there we're sitting ducks at that window.

MM: Yeah.

[redacted] They get in there, clear everybody's hands. We...and we get the rest of the folks um, extracted. Some on their own power and some people had to be dragged across the...the field and patrol came in and started taking them one by one for us to secure them.

MM: Okay.

[redacted] No we have EOD saying "hey listen we really need to make a perimeter on this", it seems like we've gotten everybody, we're not hearing anybody else call for help. But they were still concerned with the device itself.

MM: Um, um.

[redacted] Myself and the team I was with, for this incident, went across the street and we kind of just you know, stood until we were told that it was time to leave and go to Primrose where we are now.

MM: Okay. Um, let me go back a little bit.

[redacted] Yes sir.

MM: Just want to clarify. As you're running behind the...the truck and it's backing up and uh, the guy's you're with engage him in a firefight.

[redacted] Yes sir.

MM: Um, you heard the shots coming or coming your way, they were different than the other ones you heard.

[redacted] Yeah.

MM: Um, so your guys engage, who all is with you there that...that engages uh, the individual in a gunfight?

[redacted] Do you want to know who I know now was involved or who I remember standing at the time?

MM: Who do you...well first of all who do you know now and...well let's go back...

[redacted] Yes sir.

MM: ...to what do you remember seeing as you come around and you...or you hear their engaging?

[redacted] Well when I...again when I go to make it to the back of the truck to get around to Lieutenant Bigelow...

MM: Yeah.

[redacted] ...is when I hear, I'm pretty much now running backwards now to get away from the truck as its reversing. That's when I start hearing the gunfire. But again it sounds, one or two rounds sound real distinct that okay it's coming from the building now.

MM: Yeah.

[redacted] And it's a lot clearer than those other rounds I was speaking about earlier...

MM: Yeah.

[redacted] ...where now it's not muffled. It, this guy's cleared that doorway it sounds like. So as I'm running to get around to the driver's side to get with Lieutenant Bigelow I hear the guys that I was just previously standing with, those five or six guys engage and it was very, you know, obviously loud rifle fire.

MM: Yeah.

[redacted] Um, as I make my way down the driver's side of the truck I see the muzzle flash off of Lieutenant's Bigelow's rifle also going into the same direction as that doorway.

MM: Okay. And just now...who was with you there? And I'm not saying you saw them shoot or anything.

[redacted] Sure.

MM: But who was with you in that uh, breached area? So it was Bigelow?

[redacted] Yes sir. Lieutenant Bigelow was on the...went to the driver's side of the APC and the folks that I remember standing, which was Lieutenant Scott Smith...

MM: Okay.

[redacted] ...um, Agent Raul Rivas, Officer Andrew Bishop...

MM: Okay.

[redacted] ...and Officer [redacted].

MM: [redacted]?

[redacted] [redacted].

MM: [redacted]?

[redacted] Yes sir. And I believe Sergeant [redacted] was also standing there when I...prior to the gunfight.

MM: Um, but you...you definitely saw uh, Lieutenant Bigelow discharge his firearm?

[redacted] Yes sir.

MM: You did see that?

[redacted] Yep.

MM: Um, and you saw Lieutenant Smith fire the single round?

[redacted] I did.

MM: Um, did you see, that you can clearly identify, did you see any other officers that discharged...that you heard...

[redacted] Yeah I was on the left rear of the truck...

MM: I understand.

[redacted] ...when it happened...

MM: The truck, the truck was between you...

[redacted] Yes sir.

MM: And that but you...you heard multiple engagements?

[redacted] Yes sir.

MM: Uh, but those are the ones that you clearly saw?

[redacted] Yes sir.

MM: Okay. Is there anything you can think about this that I haven't asked you that would be important to know?

[redacted] I think as far as information we were provided that I'm now recalling that the shooter's vehicle was parked in the...in the adjacent parking lot north, on the north side of the building.

MM: Um, um.

[redacted] They had located that vehicle. Uh...a bomb dog did hit on that vehicle earlier on in the call out and they said "hey listen we need to clear this area as well". So that was kind of something we were trying work around but we couldn't give up our ground.

MM: Yeah.

[redacted] Um, so that was the only other challenge I guess, if you will, that had to do with this in my mind that we had potentially a car bomb if you will to the...right, you know, basically about 25 yards to our east. Um...no I think that's...that's pretty much it.

MM: Okay but you know as you've described and I think you've articulated pretty well there was a substantially heightened fear for the life of yourself, your teammates...

[redacted] Oh yeah.

MM: ...and the other agents and people on the scene?

[redacted] Yes sir. Yeah.

MM: Alright can you raise your right hand. Do you solemnly swear that everything you have told me is the truth, the whole truth and nothing but the truth so help you God?

[redacted] So help me God, I do.

MM: Okay well we're going to go ahead and end the statement. It's 9:11 a.m.

/cf **12/8/2016**

INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**OCSO Deputy Matthew W. Futch**
STATEMENT TAKEN BY:	**FDLE Special Agent Alphonso Williams** **FBI Special Agent Kevin Farrington**
LOCATION TAKEN AT:	**FDLE Orlando Regional Ops Center** **Orlando, FL**
DATE:	**June 22, 2016**
RE:	**IR16-56**
ALSO PRESENT:	**No Others Present**
STATEMENT BEGINNING TIME:	**1309 Hours**

AW: We're on tape. This is Special Agent Alphonso Williams of the Florida Department of Law Enforcement. Today's date is June 22, 2016. The time is approximately 1309 hours. I am currently at FDLE Orlando Regional Operations Center reference to FDLE case number OR-27-0258, which is a police use of force investigation that began on June 12, 2016 at the Pulse Nightclub, located at 1912 South Orange Avenue. Conducting the interview with Deputy, Orange County Deputy Matthew W. Futch. Conducting the interview with me is FBI Special Agent Kevin Farrington.

Okay Deputy Futch just for the record, um, I want to clarify that this is a voluntary statement being conducted...being given to you as part of a criminal investigation and you are not being compelled in any way to provide a statement. Okay you understand?

MF: I do.

AW: Uh, at any time during these proceedings if you want to stop talking and let me know I'm going to turn off the recorder and you're free to leave. With that said do you understand this voluntary statement is being taken as part of a criminal investigation and not an Internal Affairs investigation statement?

MF: I do.

AW: Okay. Prior to this interview have you reviewed any video of this incident?

MF: No I have not.

AW: What about any audio?

MF: No.

AW: Okay. How long have you been employed by the Orange County Sheriff's Office?

MF: A little over seven years.

AW: And on the date of the shooting, on July 12…June 12, were you performing your duties as a…as it relates to your job?

MF: Yes I was.

AW: And what was that?

MF: As an explosive breacher.

AW: Could you describe the uniform you was wearing back on the 12th of June?

MF: Uh, I was in a, I was in my flight suit, Orange County insignias uh, and the sheriff's star uh, as well as my helmet and uh, vest. All clearly stated with sheriff on it.

AW: Okay and you was easily identified as a law enforcement officer?

MF: Yes sir.

AW: What weapon were you carrying?

MF: I had forgotten my weapon. So I was not…I was not carrying a weapon at the time.

AW: Okay.

MF: I was in charge of picking up the breacher van.

AW: Um, um.

MF: And when I unloaded my gear from my truck to the van uh, I had somehow forgotten to grab my belt.

AW: Okay. Alright now what I'm going to do is I'm going to turn it over to you. And I'm going to have you to uh, tell me how you became involved.

MF: Okay.

AW: From beginning to end, okay.

MF: Roger that.

AW: This right here is a uh, a floor plan of the interior of the Pulse Nightclub. You familiar with the layout?

MF: I am.

AW: Okay. You can write on here cause I'm going to have you to mark your positions for me…

MF: Okay.

AW: …so I can have a visual understanding of where you was at.

MF: Okay.

AW: Okay so I'm going to turn it over to you now.

MF: Alright uh, my initial response area was Kaley and Lucerne. Uh, where I brought the breacher van and began building the charge that I was instructed to build um, for a concrete wall entry point. Um, after that myself and Fred Westerburg and Tony Cavis met with OPD SWAT in the southwest corner on the street just south of the club, uh, in this area here. Uh, we moved up with OPD SWAT, the Bearcat was over to my left, to the west side of the building. Uh, instructed to place the charge in between the two bathrooms, which is what we did.

AW: Would you put a number one there?

MF: Number one, yes sir. Uh, backed off our…our uh, set standoff distance, blew the charge. Uh, due to charge placement uh, we just kind of got unlucky with a solid pour and rebar. So we didn't have a one hundred percent positive breach. The Bearcat moved in and…and just pushed in uh, the remainder of the hole.

Uh, at that time the Bearcat stayed up close, just south of the hole and I provided cover. Uh, I'd obtained Tony Cavis' side arm at that time, after the breach. I provided cover on the hole as uh, Bearcat knocked a couple holes and…and other officers and deputies began pulling bodies, pulling survivors out of the bathroom to the south. Uh, after a number of bodies were pulled out of this bathroom, I began hearing shots coming from what sounded like the other bathroom, uh, somewhere between five and ten from what I remember. At that time the Bearcat began knocking holes and uh, somebody from OPD SWAT tossed a flash bang or two inside our initial breach point. I had moved back behind a small dumpster or grease trap that was in the parking lot directly west of the club. Immediately following the Bearcat breaking in a couple of holes in the north bathroom uh, I observed uh, a male begin to shoot in the direction of…of the officers here on the southwest corner. Uh, I could see his arms and muzzle flashes. I returned fire from my position almost due west of the…the breach point until I was empty and all of the other firing had stopped as well. At which point uh, I moved up to the wall with the other deputies and officers.

I began giving uh, some assistance with recognizing what appeared to be some wires and a power source on his body. At which point once all of the survivors that we believed were in the north bathroom, uh, I believe we all rallied back at our initial…initial meet up point on the southwest corner and started talking about uh, moving in to look for, sending the robot in to start manipulating his body, looking for uh, devices.

AW: Okay did ya'll ever locate any devices on his person?

MF: No we did not.

AW: Okay were there any devices inside the um…

MF: No.

AW: …the nightclub?

MF: No there was not.

AW: Okay. Um, alright. So you was part of the…you assisted with um, placing the charge on the…

MF: Correct, I carried…I carried the breaching charge uh, as well as my backpack from the southwest corner up to the location and placed the explosive breach on the…on the wall.

AW: Okay. So once you backed, once you retreated back to the parking lot, how far were you from that uh, initial whole…

MF: Uh, somewhere between 15 and 20 yards.

AW: Fifteen, twenty. I'm going to get you just to put a little mark here.

MF: Okay. It's going to be…

AW: Just put 15…between 15 to 20. Okay so when you heard the gunshots coming from approximately five to ten gunshots coming from the north…

MF: It's…inside…inside the building, which sounded like it was coming from this bathroom.

AW: Which we knew…

MF: We knew…we knew we were placing the charge between the two bathrooms. Uh, what it sounded like was the…the shots were obviously coming from inside the club. But I believed it to be the bathroom just to the north.

AW: Okay. You saw that…

MF: Heard it. Just heard the shots.

AW: You heard, you saw the flash…then you heard flash bang go into the initial point.

MF: I was…I was moving back to this position as the flash bangs were…were going off.

AW: Okay. When you moved back, you say you…did you see a male, did you see the person?

MF: I saw…I saw uh, most of his body when he began shooting.

AW: Okay.

MF: But not…not a 100 percent visual of him.

AW: Alrighty so he came out of the initial breaching point?

MF: Correct.

AW: Okay you saw most of his body. Did you see a weapon in his hand?

MF: I did uh, it was dark but uh, the…pretty much everything was…was uh, covered up by the flash of his muzzle.

AW: Okay. And you said he was firing towards the southwest…

MF: Correct, he was firing…he was firing…directly at these officers here.

AW: Okay. And then when you saw that you returned…do you know how many rounds you fired?

MF: I fired 14.

AW: Okay 14 rounds. Uh, now you said you mentioned that you used Deputy Cavis' weapon.

MF: Correct.

AW: And what was it?

MF: It was a Glock 21.

AW: Glock 21. Okay and you fired approximately how many rounds again?

MF: Fourteen. I believe it was uh, a full magazine, so 13 plus 1. So I…I emptied it.

AW: So you emptied…okay.

MF: Correct.

AW: Did the uh, did you heard the suspect say anything?

MF: I did not.

AW: What…what was the reason why you used deadly force?

MF: I…I believed he was going to kill an officer or a deputy. He did not appear to be shooting at me, he appeared to be shooting at the other deputies and officers directly to the south of the entry point.

AW: Okay.

KF: Had you gotten any intel to that point as to the subject's activities prior to your arrival?

MF: Uh, I knew that there was at least 20 people that he had killed. I knew that he had an assault rifle of some type. Um, the other intel I had…I had been given was uh, there was…uh, statements that he had made that he had explosives in his van that were…that was in the parking lot and that he had a vest on, explosive vest. And that he was also had four explosive vests that he was placing on hostages.

KF: Okay. So just to summarize all that, you knew you had a subject with an assault rifle and he had already demonstrated a capability to show accurate and heavy volumes of fires right?

MF: Absolutely.

KF: And was also beyond an average level of sophistication in integrating bombs and IED's into his plan as well?

MF: Correct.

KF: Okay.

AW: Um, do you know the location of where the other SWAT team members were positioned?

MF: Uh, I don't know how many were to the north of the initial breaching point. Most of the other officers were somewhere along this southwest corner of the building that were either providing cover or assisting victims with uh…and uh, survivors out of the…the hole to safety.

AW: Okay. So basically they was scattered along the…

MF: Most….most were…

AW: Towards the (inaudible).

MF: …scattered, scattered along to the southwest, correct.

AW: Okay.

MF: To the south of the breach point.

AW: Uh, do you know Lieutenant Smith?

MF: I do.

AW: Were you present when he fired?

MF: Uh, I believe I was standing uh, within close proximity to him. Um, when he uh, made sure that the suspect was down.

AW: Okay. Did you have a problem with that?

MF: Not at all. Uh, possible explosive device on him, uh, and...and if he was alive it wouldn't be any problem for him to set that off.

AW: Okay. Alrighty. I don't have any other questions. Can I get you to date and sign that for me?

MF: Twenty-second correct?

AW: Yes. Now I forgot to swear you in so I'm going to swear you in...can I get you to raise your right hand? Do you swear the testimony you are about to provide is the truth, the whole...you provided was the truth, the whole truth and nothing but the truth so help you God?

MF: Yes.

AW: Okay. Do you have any questions for me or is there something I failed to ask that you think would be pertinent to this investigation?

MF: Um...I believe we know that he was uh, executing some of the people that he had in this bathroom uh, where the shots that we started to hear from him. Uh, and that we still took survivors out of that...that bathroom, correct?

AW: That would be the north restroom.

MF: The north...the north bathroom.

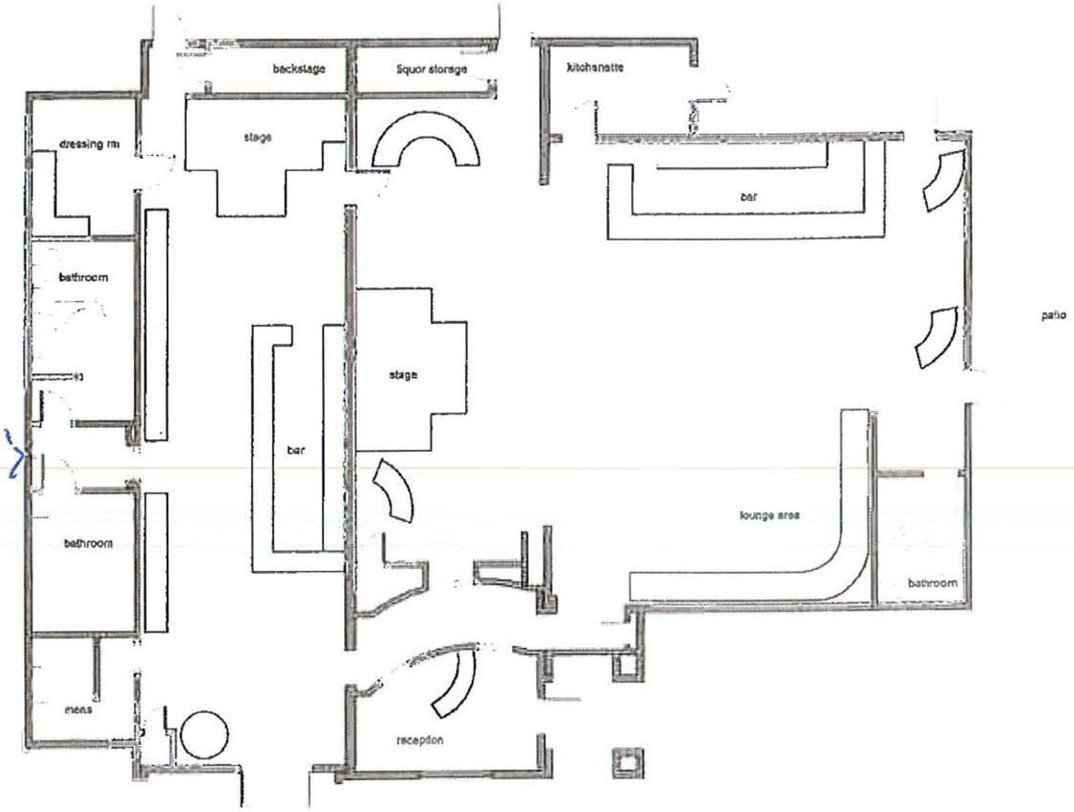
AW: Okay. And that's when, when you say you heard those shots it was approximately between five and ten?

MF: Correct, that I remember.

AW: Okay alrighty. With that said the time is 1324 hours. We're going to conclude this interview.

/cf **12/14/2016**

Pulse Nightclub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16 June 2016

June 22nd 2016

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INTERNAL AFFAIRS SECTION
STATEMENT TRANSCRIPT

STATEMENT OF:	**Deputy Gerald Cavis**
STATEMENT TAKEN BY:	**FDLE Special Agent Alfonso Williams**
LOCATION TAKEN AT:	**FDLE- Orlando Regional Operations Center**
DATE:	**June 21, 2016**
RE:	**IR16-46**
ALSO PRESENT:	**FDLE Special Agent Craig Beers** **FBI Special Agent Kevin Farrington** **Attorney Jason Bankowitz**
STATEMENT BEGINNING TIME:	**1422 Hours**

Q: We're on tape. Special Agent Alfonso Williams of the Florida Department of Law Enforcement. Today's date is June 21, 2016. Time is approximately 1422 hours. I am FDLE Orlando Regional Operations Center reference to FDLE case number OR-27-0258, which is a police use of force investigation that began on June 12, 2016 at the Pulse Nightclub located at 1912 South Orange Avenue. I am conducting the interview with Orange County Sheriff's Office Deputy Gerald Anthony Cavis. Conducting the interview with me is Special Agent Craig Beers of the Florida Department of Law Enforcement and also FBI Special Agent Kevin Farrington. Also present in the room is um, Deputy Cavis' attorney, legal counsel Jason Bankowitz.

Just for the record I'd like to clarify that this is a voluntary statement being conducted as part of a criminal investigation to the shooting and you are not being compelled in any way to provide a statement. So at any time during these proceedings if you don't want to talk just let me know and I'm going to turn off the recorder and you are free to leave, do you understand?

A: I do.

Q: Okay again do you understand that this voluntary statement is being taken as part of a criminal investigation and not an internal administrative statement?

A: I do.

Q: Okay can I get you to raise your right hand? Do you swear the testimony you are about to provide is the truth, the whole truth and nothing but the truth so help you God?

A: It is.

Q: Okay. Prior to this interview have you reviewed any type of video or audio recording as it relates to this incident?

A: I have not.

Q: Okay. Okay we know you're employed by Orange County Sheriff's Office. How long have you employed with them?

A: About nine years.

Q: And on the date of the shooting incident were you performing your duties as a deputy?

A: I was.

Q: And that's consisting of?

A: I was a tactical breacher for the Orlando Police SWAT Team. Explosive breacher I guess is the term.

Q: And currently that's your primary job duties?

A: Yes sir as a bomb tech.

Q: Describe the uniform you was wearing on that night?

A: I was wearing my Orange County Sheriff's Office issued tactical uniform which consists of a black shirt, that says SHERIFF down both sleeves and it has our emblem on the front. Over that I was wearing my entry vest, which says SHERIFF EOD in bright white lettering across a green vest and it says SHERIFF EOD in bright white lettering on the back as well. Approximately I'd say maybe 10 inch font, full chest size. I had my green helmet on, camouflage pants and black boots.

Q: What weapon were you carrying?

A: I had a UMP 45, submachine gun and a Glock 21 .45.

Q: Okay just specific for the Glock, how many magazines did you have?

A: Uh, three. Either three or five, I don't remember if my other two were in my bag. But I had two on my belt and one in the weapon.

Q: Okay do you know how many rounds you had in each mag?

A: Thirteen and one in the chamber.

Q: Okay what about for the UMP?

A: I had two UMP magazines, both of them filled to capacity which they're 25 round magazines and one in the chamber.

Q: Okay so I'm going to turn it over to you now and go from start to end how you became involved in this incident. (inaudible). I should have a diagram; excuse me, a chart, sketch of the interior of the nightclub. I'm happy to mark your positions so I can track your positions.

A: Okay.

Q: Okay. Now I'm going to get you get acclimated to that, are you familiar with that layout?

A: I am. Our initial approach was on this side here, which is the south side of the building. This is where we did our initial approach, and did our breach and our assault was from this side, the south side.

Q: Okay so what I'm going to do is just have you to tell me your story. How you became involved in this incident?

A: Okay. At approximately 3:20 that Sunday morning, I was off but on call. I get called out and I respond to the Pulse Nightclub. We originally staged near the intersection of Lucerne and Kaley, excuse me. At that time I was briefed that there was an active shooter incident, a high number of casualties that the shooter was claiming that he had suicide vests on himself and multiple other inc…explosive devices. We also had intelligence at that time that there was maybe some sort of vehicle in play in the parking lot. We didn't know the extent of that. And there was, I think at that time it was just rumor, but we were getting information that there was also an active shooter of some type uh, at ORMC. So at that point they told me that I was going to be involved with the Orlando Police Department SWAT Team that was going to do the assault on Pulse Nightclub. I was told at that time that the building construction was hollow block and to build to charge to do an explosive breach on that hollow block. At that time several team members and I started building a charge, an explosive charge that would go through the hollow block and would allow us entry into the building.

Once we finished that we dressed out, myself, Fred Westerburg, Matt Futch jumped in a truck with all our gear and we drove to um, what is that on the south side that goes between Pulse and Dunkin Donuts?

Q: Ester.

A: Ester, we drive down Ester, we park on Ester and we link up with the SWAT team which is already staged uh, in that area somewhere. They tell us the plan, they tell us what they have and they go and show the general location where they had figured out the bathrooms are. Where they believed the suspect to be and uh, at that time they had intelligence that several live hostages were still in these bathrooms back here through texts and calls or whatever.

So looking at pipes and different things on the outside of the building, we figure out approximately where we want to do our entry, where we thing the bathrooms are. I think at that time the Orlando police leadership was telling us that they wanted us to breach between the bathrooms so we were coming in right on top of him wherever, wherever he was. And that way it would kind of allow us to assess the situation without being um, right there if he was…if he was in one of the bathrooms. So uh, we do…we do a successful breach on the…somewhere in the area right here between the bathrooms. And uh…

Q: Where?

A: Somewhere in this area is where our explosive breach was set. There's like a dumpster back here. The Bearcat was over here, and uh, at that time, it's like a doorway shape, our breach was like a doorway shape, a rectangle. Um, the left side went all the way through, got full penetration as it's supposed to. The top and the bottom I think also got full penetration. On one of the sides we hit poured concrete with rebar, which the explosive that we built isn't powerful enough to break through rebar. It flexes, rebar flex and the poured concrete obviously absorbed a lot of that blast.

So it was enough of a penetration that I could get a gun in there and see what was going on. But uh, obviously it wasn't a large enough hole that we could pull bodies through or make an entry on. So the OPD guys started hooking up their ram to the front of their Bearcat and they came around and started pushing the block in that we had cracked and broken out there to make a larger hole. Um, so we clear that hole as best we can and there's a bunch…a bunch of live hostages inside that hole. We start pulling them out. We probably pulled ten or twelve people throughout that hole, injured but…but still alive or not injured whatever…still alive. We go down and we make…make another hole, same thing, get a couple more people out, clear the best we can. Go back down, make another hole, I believe it was in the third hole, I don't know for sure, i…I can't remember specifically but in one of the holes that we made farther down, um, we were pulling people out and we hear shooting coming from farther in. So obviously now it's an active shooter situation and we need to move to him. So we get…as we get the final people out of that area, um, the suspect presents himself in that hole and comes out shooting at us. Armed with a, at that time I only saw the long gun, the rifle. And he comes out shooting at us, firing several rounds and we returned fire.

Q: Okay, keep going.

A: Um, at that point um, I move up, I'm pretty close to the hole right then, I'm one of the first two or three guys on the hole when we…when we get in that firefight. And uh, being that I'm the bomb tech assigned to the team and our intelligence was that he had a suicide vest on or some sort of explosive device, I immediately move up to assess him. When I get up to him, Fred and I are together, Fred Westerburg and I are together. We look down and we see a power source, looked like it was six volt battery. And again it's funny how the mind works, uh, I thought it was on the…the ankle and it looked to me like there were wires. To this day I will swear 100 percent I saw leads coming off that battery. When the robot team went down and assessed it later on, they said they didn't see any wires. You know when we were actually manipulating the body with the robot and stuff. To this day I will swear that I saw wires.

So I look in, I see wires, I see a power source. I tell the SWAT team to back up because it appears to me that he does have a device on, that he has a power source on. Um, I think at that time I just did a real basic check of his hands to see if he had a dead-man switch or something like that and I think I just uh, you either just barely lifted his shirt or just barely touched his mid region to see if I felt any kind of device on his person. Um, I don't remember if I looked up his pant leg or touched his legs but I just did something real quick. I don't remember exactly what my actions were but it was very, very quick and very, very nonintrusive. It was just a quick check to make sure that there wasn't something that needed immediate intervention so it didn't blow up.

At that time I didn't see anything. Right then I don't think Fred did either. We…I forget what our communication was but we decided to leave that where it was and keep moving. And at that time we continued the operation. I think we made one or two more holes further down. I don't…I don't know how many more people they pulled out farther down because I…I stayed with him, Fred covered long in that hole. I covered another hole and uh, remained with the team that stayed to the…to the south side. Um, after that…after they pretty much decide that we got everybody that we could, all the live hostages out of this side here, we regroup. Um, I know you guys probably don't want to hear this, I reloaded my magazines cause I only had two for my submachine gun. So I reloaded my magazine cause I was going back in, grabbed some water, grabbed a snack or whatever and went for the second briefing. The briefing was that we needed to make a full entry and ensure that there was no one else injured inside, nobody that was savable and clear all the casualties for devices. Cause like I said in the initial intelligence they said that uh, he had put explosive devices, I think…I think they specifically said vests. I don't remember uh, for sure on the hostages. So we wanted to go in and clear each body and make sure, one that everybody that was still in there was dead and two, that they didn't have any devices on them.

So myself and Fred and a team consisting of FBI SWAT and OPD SWAT as cover members made the entry. They started clearing the bodies and doing a general search for booby traps or devices that would pose an immediate threat, something that needed to be dealt with right there. If it's not something that needs to be dealt with immediately we can come back with a robot and deal with it remotely so we're not risking a tech. But we wanted to make sure there was nothing right then and two that there wasn't anybody injured inside that was hiding. So we go in and we conduct a search. Um, we go right in through the front door and uh, conduct a search and Fred splits up with a team. He goes…he goes over to this area. And I go in here. I think where the majority of the bodies were and I start searching and checking the casualties, the victims to ensure that they don't have any explosive devices on them. Most of them was just a general pat down or a visual. Um, I also moved some furniture around, doing some general checks for you know trip wires or any kind of devices that would have been set as secondary devices or at that time it actually would have been a primary device. Something that would have been set up for…for first responders. Um, I didn't find anything. When I went in the bathroom I noticed that the emergency lighting had fallen during the incident and broken open the sink. At that time I saw a power source, I saw a battery, I saw circuit and wire and stuff and there was like something on top of it. I thought I had a device. Tell my cover team to back out and I go hands on and I see that it's the exact same battery that we saw on Mateen and at that time I saw the rest of the lighting and I realize that that wasn't a power source on him from a device, it was from the emergency lighting. You know like the exit signs with the two spot lights. I guess it was a power source from there and I think from the breach it fell on him and of course, cop luck it just falls perfectly like…so it looks like its…its' on his person you know. So I call that out on the radio and let them know that I think the power source from him is the same power source I have in the bathroom. Clear that. Um, I think from that area, after I checked there was probably…there was probably upwards of 20 people in here. And uh, like I've said before the blood…the blood was so deep in there that like when I would get down on my hands and knees to check for a trip wire, check underneath furniture something like that, that like my hand would be covered in blood. I mean it was…it was bad in there.

So I cleared it the best I can in there. Go out on the patio. Um, there's another victim laying dead out here. Clear him; take a look at a couple of bags over here. There's like some propane tanks and stuff in this corner, cause they had like a fry station set up where they were making like empanadas or whatever. So I check all that the best I can. Um, move around to the back, check back here. Nothing out of the norm as far as the incident. You know nothing of explosive nature. Um, and then I think from there once we did a general clearance. Check the upstairs, checked the whole building. I think from there we went back outside because the robot guys wanted to clear Mateen. Cause again, since we had all our people out there and there was nobody injured inside or nobody left alive inside we could remotely do that and if it blew up obviously we're not going to hurt or kill anybody.

So the robot starts manipulating him, and they cleared him the best they can. And then i…myself and uh, Fred gets sent in for a third time this time with a mobile x-ray to start clearing the bags and packages that we couldn't safely clear that we didn't need to initially clear on our first entry. So like there's backpacks all over the place and uh, things people have dropped. Um, different packages that we wanted to x-ray before we opened to ensure that there was nothing in there. So we went back in and took some x-rays. Took some pictures. Did some more clearing um, did secondary searches, came back outside. I think that was about it for our involvement. Um, the next time we went in again Fred and I we go in with the FBI evidence people and I think some people from the medical…I don't know they were…they were crime scene people. And just do a general walkthrough with them to kind of go over some things that we noticed and walk through the crime scene with them and point out magazines and stuff that we found. What we knew would be ours and what we thought was the suspect's. Um, furniture we moved, bodies we moved, stuff like that.

Q: Okay going back. When you…where were you standing when you first saw the subject appear in that hole?

A: I was on the side. I was over here somewhere.

Q: Put your initials there.

A: Okay.

Q: So when you saw him up here in that hole you saw him with a weapon?

A: I saw, at the time what I thought was a rifle barrel come through the hole and I could just see part of…part of him, somebody holding a rifle.

Q: Okay. Okay…

A: But I could hear the shooting and see the muzzle flash.

Q: Saw the muzzle flash. Do you know how many rounds you fired?

A: Approximately ten.

Q: Which weapon did you fire?

A: My UMP.

Q: Okay. Did you fire your other weapon?

A: I did not.

Q: Anybody fire that weapon?

A: Someone did.

Q: Okay tell me about that one.

A: Uh, once we were on the objective, uh, my partner Matt Futch notifies me at that time that he doesn't have a firearm with him. So uh, well let me go back. Initially while we're starting to work the hole, I feel somebody uh, tugging on my belt. And I look back and it's Matt and he says he needs my gun. So that's not the time or place to have the argument or ask questions. Well we're in a hot zone, he needs a firearm, I give him my Glock 21 .45 and uh, during the firefight he fired with that.

Q: Okay at what point did you give him the weapon?

A: I want to say it was right after the initial breach.

Q: Okay.

A: But I'm not positive about that. I don't know where the timeline fell.

Q: I think I asked…how many rounds did you fire.

A: Approximately ten.

Q: Approximately ten. Okay the sequence of…of the holes, of the breach. Okay...

A: We started on the…

Q: I've got one here. Do you know where the second?

A: We worked…we worked our way down. So if you go…go to the back of that building, we worked from left to right. In that order.

Q: Okay.

A: So those holes are in order going down.

Q: Okay now when you saw the suspect appear in the hole, uh, did he say anything?

A: I didn't hear it if he did.

Q: And you said…you say him, you saw the barrel of a long gun and you saw the muzzle flash.

A: And I heard…I heard the shooting.

Q: You heard the shooting.

A: We heard shooting before, did I say this part? We heard shooting before we saw him. Did I go over that? I don't remember.

Q: I don't recall.

A: So as we're pulling those last people out of the hole that we eventually made contact with him in, we heard shooting in that hole before we see him and so we're already thinking that we're going to have to go to him. But before we get the chance to get the people out of the way and move to contact he comes to us.

Q: Could you just draw the hole? Put a circle…not to scale, but which spot you think ya'll observed (inaudible).

A: I want to say it was like the second or third hole. I don't know man.

Q: Did you put a circle?

A: (inaudible).

Q: To the best o f you…

A: It's somewhere…somewhere in here it's going to be a big circle, somewhere in here but I don't remember which hole it is.

Q: Where were you taking the victims out of the…when you heard the shooting. You said you were pulling victims out. What hole where they coming out of when you heard the shooting?

A: I believe we were pulling victims out of the same hole he came out of.

Q: Oh okay.

A: I don't think, and again, looking back on it, you know you don't know. But I don't think we moved on to another hole until we pulled all of the victims out of a hole. Does that make sense?

Q: Yes.

A: So I think we made a hole, pulled everybody out that we could, started on another hole. Pulled everybody out of there, started on another hole. I don't think at any time we were still pulling hostages out of one hole and another team was breaching a second hole or a third hole or whatever. I don't think that that that occurred but again you get so...so tunnel visioned if I was pulling hostages out of one hole I might not know or remember what happened with the other team.

Q: Okay during this what was going through your mind?

A: Uh, at what point? During the shooting?

Q: During the shooting yes.

A: Well obviously I was in fear for my life and the life of my team members so we had to respond accordingly.

Q: Okay and based on that, that's the reason why you used deadly force?

A: Right, I was in great fear for my life and the life of my team members.

Q: Okay.

A: It was apparent at that point that he was trying to kill us.

Q: Okay. Um, you said you were positioned here when you fired? Like close to the wall?

A: I was on that side of the...

Q: (inaudible).

A: ...yeah I was...I was close to the wall.

Q: Okay.

A: I was off of it a little bit, off of it a couple of feet maybe from here to this wall. And uh, to this side of it where I had it, I was...

Q: Was anybody to your left that you remember? Do you remember...

A: Yeah there were several people over there cause like uh...

Q: (inaudible)

A: Like this is the wall we're working and I'm stacked up on this...this side and we're pulling hostages out. Obviously like the Bearcat and other team members and everybody would have been over there. I think Matt Futch and an OPD guy were covering the holes from a...from a dumpster that was over there. So there were definitely people, like if this is the hole, there were definitely people off that way.

Q: Okay. Was anybody to your right or were you pretty much next to the wall pretty much (inaudible).

A: Uh, I think Tim…Tim and I were close but I don't remember uh, again it was so fluid man. I don't remember which hole we switched cause again, he would be pulling people out and I would drag them to a safe location and I would go up and drag or pull people out and he would drag them. It was…it was all very, very fluid.

Q: Yeah.

A: So I don't remember at what exact point things happened because it was such a…so fast moving and so fluid. I can't say for sure. I know that doesn't answer your question at all.

Q: No that's fine. I'm just trying to figure out where everybody was standing cause there was a lot of movement and uh, every person we ask…we ask where were you standing, who was next to you because we want to see where they were set up./

A: Right.

Q: During the shooting.

A: I was…I was probably, the person that I remember the clearest being with me on that side is Tim.

Q: Okay. That's it.

Q: Um, just Tim Stanley?

A: Tim Stanley.

Q: Okay. Do you remember I know you had said that you heard before you moved up on the structure that there was multiple casualties?

A: Yeah I think my initial report and you know it's kind of funny looking back on it. I think when I first got called somebody said that they had 20 dead. And I remember getting dressed on the callout and I don't know if you guys have ever been on a specialty teams, your initial callout is always the worst thing on the planet. Oh it's blood and guts and gore and there's people dead all that. So I remember getting that call like 20 dead really? There ain't 20 people dead, this is ridiculous. There's probably, there may be 20 people shot but there ain't no way 20…telling my wife, "this is the kind of shit I'm talking about babe, 20 people dead, give me a break". And uh, it was more than twice as bad, you know.

Q: Did you get any information about the type of weapons the subject had?

A: Explosive devices, wire, we heard active shooter, so we knew he was armed with a firearm and at that time we had everything…everybody was telling us explosive devices. Um, obviously specifically we heard he had a vest on and we heard specifically he was putting vests or devices on hostages. But I didn't…at that point, I did not specifically know "oh he has a Glock or he has a long gun" whatever.

Q: And did you been getting any kind of information feed on what was going on with 911 calls or did you hear anything about talking about groups he was affiliated with or anything like that before you (inaudible).

A: At that…at that time I don't think I did. I heard it during the callout obviously but I think that was during the second briefing when they were saying "oh he's claiming this or claiming that or" I might have had it at that point to be honest with you. I can't say for sure.

Q: And obviously your primary focus is the explosive devices and dealing with…

A: Hostage rescue was our primary focus. If there was anybody left inside, getting live people out, save what lives we possibly can was our primary focus. And obviously my specific role in that mission is to mitigate explosive devices.

Q: Okay. (inaudible).

Q: Do you have any questions for me? Is there anything I failed to ask that you think would be pertinent to this investigation?

A: No.

Q: Okay alright with that said the time is...

Q: Yeah just sign…if you could just sign and date your sketch there.

Q: Alright the time is 1440 hours. We're going to conclude the interview.

/cf **4/16/2019**

Appendix J: Police Call Logs for 1912 S. Orange Avenue

Police Call logs to the PULSE Nightclubs (1912 S. Orange Avenue) prior to June 12, 2016, including multiple instances of battery.

Received from the Orlando Police Department (Juliana Puente, Records Division) via emailed request on August 15, 2019.

Orlando Police Department 8.11
All Calls For Service
ZACHARY BLAIR, VIA OPD RECORDS, JP
From 8/01/2004 Thru 6/01/2016

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS			CALL DATE/TIME		ST#	DR	STREET NAME	SF	GRID	DIST
201600224703	69	TRESPASSER	V	WM		6/01/16	123	1912	S	ORANGE	AV	1609D	I4
201600224702	22	GENERAL DISTURBANCE	G			6/01/16	120	1912	S	ORANGE	AV	1609D	I4
201600214809	85	BATTERY	PACE	A	CY	5/25/16	242	1912	S	ORANGE	AV	1609D	I4
201600208846	73	UNKNOWN TROUBLE	A	N	O	5/21/16	122	1912	S	ORANGE	AV	1609D	I4
201600801659	67	FOUND PROPERTY	A			5/13/16	2315	1912	S	ORANGE	AV	1609D	I4
201600188355	73	UNKNOWN TROUBLE	G			5/07/16	243	1912	S	ORANGE	AV	1609D	I4
201600184111	56	THEFT	A			5/04/16	931	1912	S	ORANGE	AV	1609D	I4
201600178259	64	DIRECT TRAFFIC	G			4/30/16	244	1912	S	ORANGE	AV	1609D	I4
201600173520	69	TRESPASSER	S	WM		4/27/16	238	1912	S	ORANGE	AV	1609D	I4
201600173402	59	SICK OR INJURED PERSON	J			4/27/16	4	1912	S	ORANGE	AV	1609D	I4
201600163189	85	BATTERY	A			4/20/16	223	1912	S	ORANGE	AV	1609D	I4
201600163070	69	TRESPASSER	S			4/20/16	7	1912	S	ORANGE	AV	1609D	I4
201600142075	13P	SUSPICIOUS PERSON	G			4/06/16	146	1912	S	ORANGE	AV	1609D	I4
201600141972	69	TRESPASSER	S	WM		4/06/16	1	1912	S	ORANGE	AV	1609D	I4
201600138905	85F	BATTERY, FIGHT IN PROGRESS	H			4/04/16	238	1912	S	ORANGE	AV	1609D	I4
201600138885	85	BATTERY	PACE	A	CY	4/04/16	206	1912	S	ORANGE	AV	1609D	I4
201600111068	59	SICK OR INJURED PERSON	G			3/16/16	234	1912	S	ORANGE	AV	1609D	I4
201600110966	69	TRESPASSER	O	WM		3/16/16	37	1912	S	ORANGE	AV	1609D	I4
201600110900	22	GENERAL DISTURBANCE	S			3/15/16	2319	1912	S	ORANGE	AV	1609D	I4
201600105192	61	HOUSE/BUSINESS CHECK	G			3/12/16	156	1912	S	ORANGE	AV	1609D	I4
201600101807	85	BATTERY	JB			3/10/16	242	1912	S	ORANGE	AV	1609D	I4
201600094511	30	MAN DOWN	J			3/05/16	54	1912	S	ORANGE	AV	1609D	I4
201600094442	59	SICK OR INJURED PERSON	G			3/05/16	0	1912	S	ORANGE	AV	1609D	I4
201600087736	22	GENERAL DISTURBANCE	JB			3/01/16	226	1912	S	ORANGE	AV	1609D	I4
201600077377	48	FRAUD-COUNTERFEIT	A	S	CY*	2/22/16	2331	1912	S	ORANGE	AV	1609D	I4
201600070321	59	SICK OR INJURED PERSON	J			2/18/16	210	1912	S	ORANGE	AV	1609D	I4
201600070274	14	GENERAL INVESTIGATION	PACE	A	CY	2/18/16	125	1912	S	ORANGE	AV	1609D	I4
201600070253	13P	SUSPICIOUS PERSON	G	WM		2/18/16	110	1912	S	ORANGE	AV	1609D	I4
201600070233	69	TRESPASSER	S	WM		2/18/16	54	1912	S	ORANGE	AV	1609D	I4
201600070175	69	TRESPASSER	S	WM		2/18/16	7	1912	S	ORANGE	AV	1609D	I4
201600065816	85F	BATTERY, FIGHT IN PROGRESS				2/15/16	251	1912	S	ORANGE	AV	1609D	I4
201600058488	67	FOUND PROPERTY	A	CY		2/10/16	31	1912	S	ORANGE	AV	1609D	I4
201600800388	56	THEFT	A			2/01/16	319	1912	S	ORANGE	AV	1609D	I4
201600044238	56	THEFT	G			1/31/16	329	1912	S	ORANGE	AV	1609D	I4
201600042525	30	MAN DOWN	J			1/29/16	2349	1912	S	ORANGE	AV	1609D	I4
201600038584	67	FOUND PROPERTY	A			1/27/16	1222	1912	S	ORANGE	AV	1609D	I4
201600038018	49	VANDALISM/CRIMINAL MISCHIEF	O	AL	WM	1/27/16	231	1912	S	ORANGE	AV	1609D	I4
201600038008	73	UNKNOWN TROUBLE	J			1/27/16	209	1912	S	ORANGE	AV	1609D	I4
201600037986	30	MAN DOWN	JB			1/27/16	134	1912	S	ORANGE	AV	1609D	I4
201600023256	85F	BATTERY, FIGHT IN PROGRESS	JB			1/17/16	135	1912	S	ORANGE	AV	1609D	I4
201600800145	56	THEFT	A			1/11/16	1429	1912	S	ORANGE	AV	1609D	I4
201600011767	69	TRESPASSER	S	BF		1/09/16	134	1912	S	ORANGE	AV	1609D	I4
201500530067	73	UNKNOWN TROUBLE	H			12/26/15	2205	1912	S	ORANGE	AV	1609D	I4
201500529038	85	BATTERY	PACE	A	CY	12/26/15	13	1912	S	ORANGE	AV	1609D	I4
201500520798	72	911 HANG-UP	H			12/20/15	4	1912	S	ORANGE	AV	1609D	I4
201500519546	85	BATTERY	G	K		12/19/15	219	1912	S	ORANGE	AV	1609D	I4
201500516127	69	TRESPASSER	S			12/17/15	102	1912	S	ORANGE	AV	1609D	I4
201500505235	69	TRESPASSER	S			12/10/15	49	1912	S	ORANGE	AV	1609D	I4
201500485699	56	THEFT	BB			11/26/15	55	1912	S	ORANGE	AV	1609D	I4
201500485675	69	TRESPASSER	WM	V		11/26/15	23	1912	S	ORANGE	AV	1609D	I4
201500484315	69	TRESPASSER	H			11/25/15	30	1912	S	ORANGE	AV	1609D	I4

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS			CALL DATE/TIME		ST#	DR	STREET NAME	SF	GRID	DIST
201500478473	45	NON-EMERGENCY ASSISTANCE	JB			11/21/15	248	1912	S	ORANGE	AV	1609D	I4
201500469000	22	GENERAL DISTURBANCE	A	K		11/15/15	29	1912	S	ORANGE	AV	1609D	I4
201500467713	1	DRUNK DRIVER	G			11/14/15	142	1912	S	ORANGE	AV	1609D	I4
201500448495	59	SICK OR INJURED PERSON	G			11/01/15	124	1912	S	ORANGE	AV	1609D	I4
201500446563	4	ACCIDENT (MINOR)	CR			10/30/15	1737	1912	S	ORANGE	AV	1609D	I4
201500441867	29C	COMMERCIAL ALARM	L			10/27/15	1810	1912	S	ORANGE	AV	1609D	I4
201500432679	59	SICK OR INJURED PERSON	J			10/21/15	228	1912	S	ORANGE	AV	1609D	I4
201500419667	69	TRESPASSER	JB			10/12/15	113	1912	S	ORANGE	AV	1609D	I4
201500418556	61	HOUSE/BUSINESS CHECK				10/11/15	239	1912	S	ORANGE	AV	1609D	I4
201500410235	49	VANDALISM/CRIMINAL MISCHIEF				10/05/15	1726	1912	S	ORANGE	AV	1609D	I4
201500407866	59	SICK OR INJURED PERSON	G			10/04/15	159	1912	S	ORANGE	AV	1609D	I4
201500403233	4	ACCIDENT (MINOR)	CR			10/01/15	244	1912	S	ORANGE	AV	1609D	I4
201500403228	69	TRESPASSER	BF	S2		10/01/15	240	1912	S	ORANGE	AV	1609D	I4
201500403082	69	TRESPASSER	S	WF		10/01/15	0	1912	S	ORANGE	AV	1609D	I4
201500401523	69	TRESPASSER	S	HM		9/30/15	49	1912	S	ORANGE	AV	1609D	I4
201500397301	59	SICK OR INJURED PERSON	J			9/27/15	145	1912	S	ORANGE	AV	1609D	I4
201500395930	13	SUSPICIOUS CAR	G	K		9/26/15	228	1912	S	ORANGE	AV	1609D	I4
201500395727	45	NON-EMERGENCY ASSISTANCE	J			9/25/15	2342	1912	S	ORANGE	AV	1609D	I4
201500391872	14	GENERAL INVESTIGATION	A			9/23/15	1212	1912	S	ORANGE	AV	1609D	I4
201500382155	59	SICK OR INJURED PERSON	J			9/17/15	19	1912	S	ORANGE	AV	1609D	I4
201500382121	69	TRESPASSER	G			9/16/15	2342	1912	S	ORANGE	AV	1609D	I4
201500376750	4I	ACCIDENT (INJURIES)	B	T		9/13/15	238	1912	S	ORANGE	AV	1609D	I4
201500375274	59	SICK OR INJURED PERSON	J			9/12/15	121	1912	S	ORANGE	AV	1609D	I4
201500367684	20N	MENTALLY-ILL PERSON (NON-VIO	J			9/07/15	1226	1912	S	ORANGE	AV	1609D	I4
201500365944	22	GENERAL DISTURBANCE	G			9/06/15	143	1912	S	ORANGE	AV	1609D	I4
201500359389	85F	BATTERY, FIGHT IN PROGRESS	H			9/02/15	237	1912	S	ORANGE	AV	1609D	I4
201500346654	29C	COMMERCIAL ALARM	L			8/24/15	1634	1912	S	ORANGE	AV	1609D	I4
201500338443	12	RECKLESS VEHICLE	H			8/19/15	2	1912	S	ORANGE	AV	1609D	I4
201500338424	22	GENERAL DISTURBANCE	G	K		8/18/15	2338	1912	S	ORANGE	AV	1609D	I4
201500328683	30	MAN DOWN	J			8/12/15	311	1912	S	ORANGE	AV	1609D	I4
201500326921	13I	SUSPICIOUS INCIDENT	H			8/10/15	2350	1912	S	ORANGE	AV	1609D	I4
201500322749	50	FUGITIVE FROM JUSTICE/WANTED	BM	MW		8/08/15	103	1912	S	ORANGE	AV	1609D	I4
201500317984	13P	SUSPICIOUS PERSON	A	N	BM*	8/05/15	41	1912	S	ORANGE	AV	1609D	I4
201500303937	85	BATTERY	BB	CY		7/26/15	217	1912	S	ORANGE	AV	1609D	I4
201500802445	21V	VEHICLE BURGLARY	A			7/20/15	1340	1912	S	ORANGE	AV	1609D	I4
201500802440	56	THEFT	A			7/19/15	2137	1912	S	ORANGE	AV	1609D	I4
201500282910	56	THEFT	PACE	A		7/11/15	301	1912	S	ORANGE	AV	1609D	I4
201500279894	13P	SUSPICIOUS PERSON	O	S	WM	7/09/15	51	1912	S	ORANGE	AV	1609D	I4
201500278404	2	DRUNK PEDESTRIAN	A			7/08/15	113	1912	S	ORANGE	AV	1609D	I4
201500259669	59	SICK OR INJURED PERSON	J			6/25/15	117	1912	S	ORANGE	AV	1609D	I4
201500254792	29C	COMMERCIAL ALARM	L			6/21/15	1958	1912	S	ORANGE	AV	1609D	I4
201500253950	59	SICK OR INJURED PERSON	J			6/21/15	218	1912	S	ORANGE	AV	1609D	I4
201500237371	29C	COMMERCIAL ALARM	L			6/10/15	435	1912	S	ORANGE	AV	1609D	I4
201500233019	73	UNKNOWN TROUBLE	G			6/06/15	2209	1912	S	ORANGE	AV	1609D	I4
201500233016	73	UNKNOWN TROUBLE	G			6/06/15	2206	1912	S	ORANGE	AV	1609D	I4
201500229699	73	UNKNOWN TROUBLE	BB			6/04/15	1641	1912	S	ORANGE	AV	1609D	I4
201500227114	85	BATTERY	PACE	A	CY	6/03/15	125	1912	S	ORANGE	AV	1609D	I4
201500226076	29C	COMMERCIAL ALARM	L			6/02/15	1107	1912	S	ORANGE	AV	1609D	I4
201500222771	69	TRESPASSER	S			5/31/15	129	1912	S	ORANGE	AV	1609D	I4
201500200410	73	UNKNOWN TROUBLE	G			5/16/15	144	1912	S	ORANGE	AV	1609D	I4
201500801606	56	THEFT	A			5/11/15	1235	1912	S	ORANGE	AV	1609D	I4

Orlando Police Department 8.11
All Calls For Service
ZACHARY BLAIR, VIA OPD RECORDS, JP
From 8/01/2004 Thru 6/01/2016

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS	CALL DATE/TIME	ST#	DR	STREET NAME	SF	GRID	DIST
201500191236	85	BATTERY	A	5/10/15 36	1912	S	ORANGE	AV	1609D	I4
201500170546	69	TRESPASSER	JB	4/26/15 250	1912	S	ORANGE	AV	1609D	I4
201500160172	29C	COMMERCIAL ALARM		4/19/15 1712	1912	S	ORANGE	AV	1609D	I4
201500149111	69	TRESPASSER	S WM	4/12/15 243	1912	S	ORANGE	AV	1609D	I4
201500138790	80C	COMMUNITY ORIENTATED POLICIN	H	4/05/15 655	1912	S	ORANGE	AV	1609D	I4
201500125294	2	DRUNK PEDESTRIAN	JB	3/27/15 110	1912	S	ORANGE	AV	1609D	I4
201500122437	85F	BATTERY, FIGHT IN PROGRESS	H	3/25/15 234	1912	S	ORANGE	AV	1609D	I4
201500112643	13P	SUSPICIOUS PERSON	JB	3/18/15 232	1912	S	ORANGE	AV	1609D	I4
201500097626	22	GENERAL DISTURBANCE	G	3/08/15 338	1912	S	ORANGE	AV	1609D	I4
201500096283	85	BATTERY	A	3/07/15 242	1912	S	ORANGE	AV	1609D	I4
201500086742	69	TRESPASSER	O SS WM	2/28/15 2329	1912	S	ORANGE	AV	1609D	I4
201500080961	22	GENERAL DISTURBANCE	S	2/25/15 115	1912	S	ORANGE	AV	1609D	I4
201500080155	30	MAN DOWN	J	2/24/15 1333	1912	S	ORANGE	AV	1609D	I4
201500066035	65	NOISE ORDINANCE VIOLATION	G	2/15/15 249	1912	S	ORANGE	AV	1609D	I4
201500800435	67	FOUND PROPERTY	A	2/09/15 846	1912	S	ORANGE	AV	1609D	I4
201500800368	67	FOUND PROPERTY	A	1/31/15 2039	1912	S	ORANGE	AV	1609D	I4
201500043811	45	NON-EMERGENCY ASSISTANCE	G	1/31/15 236	1912	S	ORANGE	AV	1609D	I4
201500035051	59	SICK OR INJURED PERSON	J	1/25/15 5	1912	S	ORANGE	AV	1609D	I4
201500029454	56	THEFT	A	1/21/15 927	1912	S	ORANGE	AV	1609D	I4
201500024868	85	BATTERY	A N O*	1/18/15 234	1912	S	ORANGE	AV	1609D	I4
201500024752	73	UNKNOWN TROUBLE	G	1/18/15 2	1912	S	ORANGE	AV	1609D	I4
201500009761	13P	SUSPICIOUS PERSON	S	1/07/15 2012	1912	S	ORANGE	AV	1609D	I4
201500004134	85	BATTERY	A	1/04/15 202	1912	S	ORANGE	AV	1609D	I4
201400502574	4	ACCIDENT (MINOR)		12/06/14 33	1912	S	ORANGE	AV	1609D	I4
201400496544	49	VANDALISM/CRIMINAL MISCHIEF	JB	12/02/14 227	1912	S	ORANGE	AV	1609D	I4
201400803570	56	THEFT	A	11/19/14 1339	1912	S	ORANGE	AV	1609D	I4
201400803466	67	FOUND PROPERTY	A	11/11/14 1025	1912	S	ORANGE	AV	1609D	I4
201400464580	85	BATTERY	JB	11/09/14 249	1912	S	ORANGE	AV	1609D	I4
201400464336	65	NOISE ORDINANCE VIOLATION		11/08/14 2238	1912	S	ORANGE	AV	1609D	I4
201400454628	59	SICK OR INJURED PERSON	G	11/02/14 126	1912	S	ORANGE	AV	1609D	I4
201400454603	69	TRESPASSER	S	11/02/14 46	1912	S	ORANGE	AV	1609D	I4
201400453744	29C	COMMERCIAL ALARM	L OD	11/01/14 1034	1912	S	ORANGE	AV	1609D	I4
201400450282	56	THEFT	PACE A O*	10/30/14 203	1912	S	ORANGE	AV	1609D	I4
201400803102	56	THEFT	A	10/12/14 1508	1912	S	ORANGE	AV	1609D	I4
201400803106	49	VANDALISM/CRIMINAL MISCHIEF	A	10/12/14 437	1912	S	ORANGE	AV	1609D	I4
201400415019	49	VANDALISM/CRIMINAL MISCHIEF	A	10/05/14 313	1912	S	ORANGE	AV	1609D	I4
201400414991	13P	SUSPICIOUS PERSON	G	10/05/14 248	1912	S	ORANGE	AV	1609D	I4
201400414928	85	BATTERY	JB	10/05/14 138	1912	S	ORANGE	AV	1609D	I4
201400378171	22	GENERAL DISTURBANCE	G	9/10/14 117	1912	S	ORANGE	AV	1609D	I4
201400367802	22	GENERAL DISTURBANCE	V WM	9/03/14 133	1912	S	ORANGE	AV	1609D	I4
201400802589	56	THEFT	A	8/21/14 1821	1912	S	ORANGE	AV	1609D	I4
201400313730	67	FOUND PROPERTY	PL	7/28/14 1432	1912	S	ORANGE	AV	1609D	I4
201400307927	49	VANDALISM/CRIMINAL MISCHIEF	A	7/24/14 1053	1912	S	ORANGE	AV	1609D	I4
201400288998	29C	COMMERCIAL ALARM	L	7/11/14 1005	1912	S	ORANGE	AV	1609D	I4
201400288646	29C	COMMERCIAL ALARM	BB	7/11/14 328	1912	S	ORANGE	AV	1609D	I4
201400273840	84	THREATS/ASSAULT	BB	7/01/14 240	1912	S	ORANGE	AV	1609D	I4
201400270948	85	BATTERY	A CY	6/29/14 31	1912	S	ORANGE	AV	1609D	I4
201400266783	29C	COMMERCIAL ALARM		6/26/14 756	1912	S	ORANGE	AV	1609D	I4
201400259283	13P	SUSPICIOUS PERSON	OC	6/21/14 245	1912	S	ORANGE	AV	1609D	I4
201400801797	67	FOUND PROPERTY	A	6/16/14 1918	1912	S	ORANGE	AV	1609D	I4
201400237760	65	NOISE ORDINANCE VIOLATION	G	6/07/14 9	1912	S	ORANGE	AV	1609D	I4

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS	CALL DATE/TIME	ST#	DR	STREET NAME	SF	GRID	DIST
201400232958	65	NOISE ORDINANCE VIOLATION	V	6/04/14 33	1912	S	ORANGE	AV	1609D	I4
201400222466	29C	COMMERCIAL ALARM	L	5/28/14 934	1912	S	ORANGE	AV	1609D	I4
201400217730	65	NOISE ORDINANCE VIOLATION	A	5/25/14 108	1912	S	ORANGE	AV	1609D	I4
201400217656	73	UNKNOWN TROUBLE	H	5/25/14 6	1912	S	ORANGE	AV	1609D	I4
201400217516	13P	SUSPICIOUS PERSON	JB	5/24/14 2224	1912	S	ORANGE	AV	1609D	I4
201400217467	13P	SUSPICIOUS PERSON	H	5/24/14 2148	1912	S	ORANGE	AV	1609D	I4
201400211519	29C	COMMERCIAL ALARM	L	5/21/14 1013	1912	S	ORANGE	AV	1609D	I4
201400211039	75	CHECK THE WELL BEING	PACE A	5/21/14 17	1912	S	ORANGE	AV	1609D	I4
201400184751	65	NOISE ORDINANCE VIOLATION	JB	5/04/14 126	1912	S	ORANGE	AV	1609D	I4
201400147389	56	THEFT	A CY	4/10/14 128	1912	S	ORANGE	AV	1609D	I4
201400145008	4	ACCIDENT (MINOR)	G	4/08/14 1431	1912	S	ORANGE	AV	1609D	I4
201400141172	4	ACCIDENT (MINOR)	G	4/06/14 202	1912	S	ORANGE	AV	1609D	I4
201400126245	59	SICK OR INJURED PERSON	J	3/27/14 144	1912	S	ORANGE	AV	1609D	I4
201400120883	65	NOISE ORDINANCE VIOLATION	G	3/23/14 227	1912	S	ORANGE	AV	1609D	I4
201400111736	29C	COMMERCIAL ALARM	L	3/17/14 412	1912	S	ORANGE	AV	1609D	I4
201400078424	29C	COMMERCIAL ALARM	L	2/23/14 533	1912	S	ORANGE	AV	1609D	I4
201400045604	65	NOISE ORDINANCE VIOLATION	G	2/01/14 200	1912	S	ORANGE	AV	1609D	I4
201400035453	65	NOISE ORDINANCE VIOLATION	G	1/25/14 135	1912	S	ORANGE	AV	1609D	I4
201400025130	59	SICK OR INJURED PERSON	G	1/18/14 106	1912	S	ORANGE	AV	1609D	I4
201400025054	85	BATTERY	A N O*	1/17/14 2358	1912	S	ORANGE	AV	1609D	I4
201400018353	29C	COMMERCIAL ALARM	BB	1/13/14 1709	1912	S	ORANGE	AV	1609D	I4
201400011401	65	NOISE ORDINANCE VIOLATION	V	1/09/14 2	1912	S	ORANGE	AV	1609D	I4
201400001251	65	NOISE ORDINANCE VIOLATION	G	1/01/14 2345	1912	S	ORANGE	AV	1609D	I4
201300542198	29C	COMMERCIAL ALARM	L	12/28/13 504	1912	S	ORANGE	AV	1609D	I4
201300522343	65	NOISE ORDINANCE VIOLATION		12/14/13 126	1912	S	ORANGE	AV	1609D	I4
201300502360	69	TRESPASSER	O S SS*	12/01/13 338	1912	S	ORANGE	AV	1609D	I4
201300502308	85	BATTERY	DUP	12/01/13 234	1912	S	ORANGE	AV	1609D	I4
201300498735	8A	MISSING PERSON ADULT	G	11/28/13 401	1912	S	ORANGE	AV	1609D	I4
201300803479	56	THEFT	A	11/20/13 1117	1912	S	ORANGE	AV	1609D	I4
201300466668	2	DRUNK PEDESTRIAN	G	11/07/13 230	1912	S	ORANGE	AV	1609D	I4
201300450368	17	CONTACT/ATTEMPT TO CONTACT	G	10/27/13 205	1912	S	ORANGE	AV	1609D	I4
201300803062	21V	VEHICLE BURGLARY	A	10/20/13 1142	1912	S	ORANGE	AV	1609D	I4
201300439937	29C	COMMERCIAL ALARM	BB	10/20/13 349	1912	S	ORANGE	AV	1609D	I4
201300435635	4I	ACCIDENT (INJURIES)	B T	10/17/13 1341	1912	S	ORANGE	AV	1609D	I4
201300430091	85	BATTERY	G	10/14/13 324	1912	S	ORANGE	AV	1609D	I4
201300427723	29C	COMMERCIAL ALARM	L	10/12/13 1052	1912	S	ORANGE	AV	1609D	I4
201300422201	29C	COMMERCIAL ALARM	L	10/09/13 554	1912	S	ORANGE	AV	1609D	I4
201300405002	13I	SUSPICIOUS INCIDENT	PACE A CY	9/28/13 47	1912	S	ORANGE	AV	1609D	I4
201300802748	56	THEFT	A	9/21/13 1129	1912	S	ORANGE	AV	1609D	I4
201300385257	69	TRESPASSER	S	9/15/13 241	1912	S	ORANGE	AV	1609D	I4
201300355951	29C	COMMERCIAL ALARM	L	8/27/13 1318	1912	S	ORANGE	AV	1609D	I4
201300352452	69	TRESPASSER	S WM	8/25/13 135	1912	S	ORANGE	AV	1609D	I4
201300352431	22	GENERAL DISTURBANCE	G	8/25/13 118	1912	S	ORANGE	AV	1609D	I4
201300343358	29C	COMMERCIAL ALARM	L	8/19/13 1553	1912	S	ORANGE	AV	1609D	I4
201300341204	69	TRESPASSER	S	8/18/13 207	1912	S	ORANGE	AV	1609D	I4
201300338526	29C	COMMERCIAL ALARM	BB	8/16/13 1200	1912	S	ORANGE	AV	1609D	I4
201300325352	69	TRESPASSER	S WM	8/08/13 157	1912	S	ORANGE	AV	1609D	I4
201300324614	21V	VEHICLE BURGLARY	A	8/07/13 1524	1912	S	ORANGE	AV	1609D	I4
201300310468	29C	COMMERCIAL ALARM	L	7/29/13 1137	1912	S	ORANGE	AV	1609D	I4
201300304371	69	TRESPASSER	S2 WM	7/25/13 150	1912	S	ORANGE	AV	1609D	I4
201300294451	69	TRESPASSER	S WF	7/18/13 217	1912	S	ORANGE	AV	1609D	I4

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS			CALL DATE/TIME		ST#	DR	STREET NAME	SF	GRID	DIST
201300294386	69	TRESPASSER	S	WM		7/18/13	114	1912	S	ORANGE	AV	1609D	I4
201300801966	56	THEFT	A			7/11/13	1629	1912	S	ORANGE	AV	1609D	I4
201300283658	22	GENERAL DISTURBANCE	K			7/11/13	39	1912	S	ORANGE	AV	1609D	I4
201300265757	65	NOISE ORDINANCE VIOLATION	G			6/28/13	2234	1912	S	ORANGE	AV	1609D	I4
201300261278	65	NOISE ORDINANCE VIOLATION	H			6/26/13	115	1912	S	ORANGE	AV	1609D	I4
201300250905	69	TRESPASSER	BB			6/19/13	37	1912	S	ORANGE	AV	1609D	I4
201300801655	67	FOUND PROPERTY	A			6/14/13	1016	1912	S	ORANGE	AV	1609D	I4
201300234655	22	GENERAL DISTURBANCE	O	BM		6/08/13	217	1912	S	ORANGE	AV	1609D	I4
201300234627	85	BATTERY	G			6/08/13	156	1912	S	ORANGE	AV	1609D	I4
201300229890	69	TRESPASSER	G			6/05/13	137	1912	S	ORANGE	AV	1609D	I4
201300227419	56	THEFT	A			6/03/13	1132	1912	S	ORANGE	AV	1609D	I4
201300223169	56	THEFT	A			5/31/13	1119	1912	S	ORANGE	AV	1609D	I4
201300219421	22	GENERAL DISTURBANCE	G	K		5/29/13	23	1912	S	ORANGE	AV	1609D	I4
201300215544	59	SICK OR INJURED PERSON	G			5/26/13	220	1912	S	ORANGE	AV	1609D	I4
201300198874	85	BATTERY	H			5/15/13	208	1912	S	ORANGE	AV	1609D	I4
201300193218	13P	SUSPICIOUS PERSON	O	SS		5/11/13	156	1912	S	ORANGE	AV	1609D	I4
201300172337	29C	COMMERCIAL ALARM	L			4/26/13	1514	1912	S	ORANGE	AV	1609D	I4
201300152528	4I	ACCIDENT (INJURIES)	DUP			4/13/13	243	1912	S	ORANGE	AV	1609D	I4
201300149621	56	THEFT	A			4/11/13	847	1912	S	ORANGE	AV	1609D	I4
201300800968	67	FOUND PROPERTY	A			4/10/13	1042	1912	S	ORANGE	AV	1609D	I4
201300800965	56	THEFT	A			4/09/13	1728	1912	S	ORANGE	AV	1609D	I4
201300800840	56	THEFT	A			3/28/13	925	1912	S	ORANGE	AV	1609D	I4
201300122400	29C	COMMERCIAL ALARM	BB			3/23/13	1319	1912	S	ORANGE	AV	1609D	I4
201300800728	67	FOUND PROPERTY	A			3/17/13	1255	1912	S	ORANGE	AV	1609D	I4
201300112951	3	HIT AND RUN (MINOR)	C			3/17/13	258	1912	S	ORANGE	AV	1609D	I4
201300111507	61	HOUSE/BUSINESS CHECK	G			3/16/13	124	1912	S	ORANGE	AV	1609D	I4
201300106916	22	GENERAL DISTURBANCE	G	K	S*	3/13/13	106	1912	S	ORANGE	AV	1609D	I4
201300105969	29R	RESIDENTIAL ALARM	BB			3/12/13	1136	1912	S	ORANGE	AV	1609D	I4
201300105611	29C	COMMERCIAL ALARM	JB			3/12/13	608	1912	S	ORANGE	AV	1609D	I4
201300100351	29C	COMMERCIAL ALARM	JB	L		3/08/13	1253	1912	S	ORANGE	AV	1609D	I4
201300095118	56	THEFT	A			3/05/13	736	1912	S	ORANGE	AV	1609D	I4
201300073407	69	TRESPASSER	G			2/18/13	2245	1912	S	ORANGE	AV	1609D	I4
201300069691	85	BATTERY	A	CY		2/16/13	234	1912	S	ORANGE	AV	1609D	I4
201300044722	65	NOISE ORDINANCE VIOLATION	G	ODA		1/30/13	2354	1912	S	ORANGE	AV	1609D	I4
201300023419	69	TRESPASSER	S	HM		1/17/13	224	1912	S	ORANGE	AV	1609D	I4
201300000194	85	BATTERY	A	N	CY	1/01/13	222	1912	S	ORANGE	AV	1609D	I4
201300000184	45	NON-EMERGENCY ASSISTANCE				1/01/13	215	1912	S	ORANGE	AV	1609D	I4
201200803085	56	THEFT	A			12/20/12	1944	1912	S	ORANGE	AV	1609D	I4
201200523114	56	THEFT	JB			12/20/12	242	1912	S	ORANGE	AV	1609D	I4
201200521906	21C	COMMERCIAL BURGLARY	A			12/19/12	1017	1912	S	ORANGE	AV	1609D	I4
201200517793	29C	COMMERCIAL ALARM	L			12/16/12	1535	1912	S	ORANGE	AV	1609D	I4
201200510885	69	TRESPASSER	S			12/12/12	123	1912	S	ORANGE	AV	1609D	I4
201200502441	73	UNKNOWN TROUBLE	JB			12/06/12	351	1912	S	ORANGE	AV	1609D	I4
201200502384	61	HOUSE/BUSINESS CHECK	G			12/06/12	230	1912	S	ORANGE	AV	1609D	I4
201200502196	69	TRESPASSER	S	WM		12/05/12	2334	1912	S	ORANGE	AV	1609D	I4
201200492151	69	TRESPASSER	S2			11/29/12	212	1912	S	ORANGE	AV	1609D	I4
201200486521	13P	SUSPICIOUS PERSON	JB			11/25/12	406	1912	S	ORANGE	AV	1609D	I4
201200486511	22	GENERAL DISTURBANCE	BB			11/25/12	348	1912	S	ORANGE	AV	1609D	I4
201200472194	69	TRESPASSER	S			11/15/12	236	1912	S	ORANGE	AV	1609D	I4
201200802711	56	THEFT	A			11/05/12	1542	1912	S	ORANGE	AV	1609D	I4
201200453378	29C	COMMERCIAL ALARM	L			11/01/12	1551	1912	S	ORANGE	AV	1609D	I4

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS			CALL DATE/TIME		ST#	DR	STREET NAME	SF	GRID	DIST
201200446538	65	NOISE ORDINANCE VIOLATION				10/27/12	2332	1912	S	ORANGE	AV	1609D	I4
201200445263	65	NOISE ORDINANCE VIOLATION	G			10/27/12	143	1912	S	ORANGE	AV	1609D	I4
201200445112	65	NOISE ORDINANCE VIOLATION	G			10/26/12	2346	1912	S	ORANGE	AV	1609D	I4
201200802605	56	THEFT	A			10/25/12	1427	1912	S	ORANGE	AV	1609D	I4
201200441954	13P	SUSPICIOUS PERSON	S	WM		10/25/12	18	1912	S	ORANGE	AV	1609D	I4
201200802515	21V	VEHICLE BURGLARY	A			10/18/12	348	1912	S	ORANGE	AV	1609D	I4
201200429049	67	FOUND PROPERTY	PL			10/16/12	1219	1912	S	ORANGE	AV	1609D	I4
201200425967	30	MAN DOWN	JB			10/14/12	406	1912	S	ORANGE	AV	1609D	I4
201200415269	30	MAN DOWN	J			10/07/12	228	1912	S	ORANGE	AV	1609D	I4
201200399000	30	MAN DOWN	G			9/26/12	555	1912	S	ORANGE	AV	1609D	I4
201200397287	65	NOISE ORDINANCE VIOLATION	H			9/25/12	139	1912	S	ORANGE	AV	1609D	I4
201200397204	65	NOISE ORDINANCE VIOLATION	G			9/25/12	1	1912	S	ORANGE	AV	1609D	I4
201200362836	65	NOISE ORDINANCE VIOLATION	G			9/01/12	4	1912	S	ORANGE	AV	1609D	I4
201200359767	85	BATTERY	A	O	AL*	8/30/12	145	1912	S	ORANGE	AV	1609D	I4
201200349602	85	BATTERY	JB			8/23/12	158	1912	S	ORANGE	AV	1609D	I4
201200349561	13P	SUSPICIOUS PERSON	A	N	O*	8/23/12	122	1912	S	ORANGE	AV	1609D	I4
201200337962	85	BATTERY	G	BB		8/15/12	158	1912	S	ORANGE	AV	1609D	I4
201200327778	22	GENERAL DISTURBANCE	G			8/08/12	148	1912	S	ORANGE	AV	1609D	I4
201200322439	14	GENERAL INVESTIGATION	A	CY		8/04/12	206	1912	S	ORANGE	AV	1609D	I4
201200304459	29C	COMMERCIAL ALARM	L			7/22/12	1644	1912	S	ORANGE	AV	1609D	I4
201200282386	22	GENERAL DISTURBANCE	K			7/07/12	206	1912	S	ORANGE	AV	1609D	I4
201200277938	85	BATTERY	JB			7/04/12	232	1912	S	ORANGE	AV	1609D	I4
201200271949	4	ACCIDENT (MINOR)	JB			6/30/12	9	1912	S	ORANGE	AV	1609D	I4
201200267376	84	THREATS/ASSAULT	H			6/27/12	223	1912	S	ORANGE	AV	1609D	I4
201200264699	49	VANDALISM/CRIMINAL MISCHIEF	A			6/25/12	1000	1912	S	ORANGE	AV	1609D	I4
201200262069	1050	STOPPING VEHICLE	T	BM		6/23/12	154	1912	S	ORANGE	AV	1609D	I4
201200261207	29C	COMMERCIAL ALARM	BB			6/22/12	1353	1912	S	ORANGE	AV	1609D	I4
201200252251	13P	SUSPICIOUS PERSON	O	BF	SS	6/16/12	247	1912	S	ORANGE	AV	1609D	I4
201200252248	65	NOISE ORDINANCE VIOLATION	G			6/16/12	246	1912	S	ORANGE	AV	1609D	I4
201200249430	13P	SUSPICIOUS PERSON	O2	SS		6/14/12	41	1912	S	ORANGE	AV	1609D	I4
201200241004	29C	COMMERCIAL ALARM	JB			6/08/12	924	1912	S	ORANGE	AV	1609D	I4
201200239071	85	BATTERY	BB			6/07/12	251	1912	S	ORANGE	AV	1609D	I4
201200238900	13P	SUSPICIOUS PERSON	G			6/06/12	2335	1912	S	ORANGE	AV	1609D	I4
201200231814	73	UNKNOWN TROUBLE	G			6/02/12	311	1912	S	ORANGE	AV	1609D	I4
201200229813	69	TRESPASSER	O	S	HM	5/31/12	2358	1912	S	ORANGE	AV	1609D	I4
201200221312	29C	COMMERCIAL ALARM	BB			5/26/12	1105	1912	S	ORANGE	AV	1609D	I4
201200220827	85	BATTERY	A	BM	CY*	5/26/12	128	1912	S	ORANGE	AV	1609D	I4
201200185803	13P	SUSPICIOUS PERSON	A	N	CY	5/03/12	133	1912	S	ORANGE	AV	1609D	I4
201200180247	29C	COMMERCIAL ALARM	BB			4/29/12	1027	1912	S	ORANGE	AV	1609D	I4
201200178481	31T	THREATENING ANIMAL	J			4/27/12	2256	1912	S	ORANGE	AV	1609D	I4
201200165103	69	TRESPASSER	S	HF		4/19/12	53	1912	S	ORANGE	AV	1609D	I4
201200158083	13P	SUSPICIOUS PERSON	JB			4/14/12	131	1912	S	ORANGE	AV	1609D	I4
201200158040	85	BATTERY	G			4/14/12	56	1912	S	ORANGE	AV	1609D	I4
201200144254	69	TRESPASSER	S	WM		4/05/12	218	1912	S	ORANGE	AV	1609D	I4
201200129485	85	BATTERY	S	BM		3/26/12	105	1912	S	ORANGE	AV	1609D	I4
201200128474	69	TRESPASSER	S	BM		3/25/12	218	1912	S	ORANGE	AV	1609D	I4
201200118495	59	SICK OR INJURED PERSON	J			3/18/12	144	1912	S	ORANGE	AV	1609D	I4
201200117140	65	NOISE ORDINANCE VIOLATION	G			3/17/12	23	1912	S	ORANGE	AV	1609D	I4
201200114028	69	TRESPASSER	S	BM		3/15/12	103	1912	S	ORANGE	AV	1609D	I4
201200112302	56	THEFT	PACE	A	N*	3/14/12	0	1912	S	ORANGE	AV	1609D	I4
201200106668	13P	SUSPICIOUS PERSON	O	BF		3/10/12	143	1912	S	ORANGE	AV	1609D	I4

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS			CALL DATE/TIME		ST#	DR	STREET NAME	SF	GRID	DIST
201200096658	29C	COMMERCIAL ALARM	L			3/03/12	1740	1912	S	ORANGE	AV	1609D	I4
201200090937	3	HIT AND RUN (MINOR)	H			2/29/12	228	1912	S	ORANGE	AV	1609D	I4
201200084179	69	TRESPASSER	G			2/25/12	344	1912	S	ORANGE	AV	1609D	I4
201200084135	65	NOISE ORDINANCE VIOLATION	G			2/25/12	312	1912	S	ORANGE	AV	1609D	I4
201200079588	65	NOISE ORDINANCE VIOLATION	JB			2/22/12	2352	1912	S	ORANGE	AV	1609D	I4
201200072122	65	NOISE ORDINANCE VIOLATION	JB			2/18/12	24	1912	S	ORANGE	AV	1609D	I4
201200070923	29C	COMMERCIAL ALARM	BB			2/17/12	923	1912	S	ORANGE	AV	1609D	I4
201200069125	29C	COMMERCIAL ALARM	L			2/16/12	706	1912	S	ORANGE	AV	1609D	I4
201200058263	13P	SUSPICIOUS PERSON	G	WM		2/09/12	44	1912	S	ORANGE	AV	1609D	I4
201200052467	69	TRESPASSER	S			2/05/12	243	1912	S	ORANGE	AV	1609D	I4
201200052465	73	UNKNOWN TROUBLE	G			2/05/12	240	1912	S	ORANGE	AV	1609D	I4
201200052192	65	NOISE ORDINANCE VIOLATION	H			2/04/12	2245	1912	S	ORANGE	AV	1609D	I4
201200050910	65	NOISE ORDINANCE VIOLATION				2/03/12	2327	1912	S	ORANGE	AV	1609D	I4
201200040581	69	TRESPASSER	S	BM		1/28/12	229	1912	S	ORANGE	AV	1609D	I4
201200031199	8A	MISSING PERSON ADULT	G			1/22/12	118	1912	S	ORANGE	AV	1609D	I4
201200024868	85	BATTERY	PACE	A	O4*	1/18/12	220	1912	S	ORANGE	AV	1609D	I4
201200020691	85	BATTERY	JB			1/15/12	52	1912	S	ORANGE	AV	1609D	I4
201200016023	22	GENERAL DISTURBANCE	G	K		1/12/12	114	1912	S	ORANGE	AV	1609D	I4
201200005672	69	TRESPASSER	S	HM		1/05/12	209	1912	S	ORANGE	AV	1609D	I4
201100566508	69	TRESPASSER	S	HM		12/29/11	58	1912	S	ORANGE	AV	1609D	I4
201100565149	69	TRESPASSER	G			12/28/11	220	1912	S	ORANGE	AV	1609D	I4
201100560113	45	NON-EMERGENCY ASSISTANCE	J			12/23/11	2205	1912	S	ORANGE	AV	1609D	I4
201100540102	13I	SUSPICIOUS INCIDENT	JB			12/10/11	42	1912	S	ORANGE	AV	1609D	I4
201100537044	13P	SUSPICIOUS PERSON	S	WM		12/08/11	46	1912	S	ORANGE	AV	1609D	I4
201100535412	65	NOISE ORDINANCE VIOLATION	G			12/06/11	2354	1912	S	ORANGE	AV	1609D	I4
201100531435	65	NOISE ORDINANCE VIOLATION	G			12/04/11	104	1912	S	ORANGE	AV	1609D	I4
201100531417	65	NOISE ORDINANCE VIOLATION	G			12/04/11	46	1912	S	ORANGE	AV	1609D	I4
201100530219	69	TRESPASSER	S			12/03/11	123	1912	S	ORANGE	AV	1609D	I4
201100527125	69	TRESPASSER	S	WM		12/01/11	157	1912	S	ORANGE	AV	1609D	I4
201100527007	65	NOISE ORDINANCE VIOLATION	G			12/01/11	6	1912	S	ORANGE	AV	1609D	I4
201100521300	69	TRESPASSER	S	WM		11/27/11	7	1912	S	ORANGE	AV	1609D	I4
201100505847	56	THEFT	PACE	A		11/16/11	1712	1912	S	ORANGE	AV	1609D	I4
201100500622	65	NOISE ORDINANCE VIOLATION	JB			11/12/11	2339	1912	S	ORANGE	AV	1609D	I4
201100477776	69	TRESPASSER	S			10/29/11	206	1912	S	ORANGE	AV	1609D	I4
201100470503	56	THEFT	A			10/24/11	1416	1912	S	ORANGE	AV	1609D	I4
201100463792	69	TRESPASSER	S			10/20/11	226	1912	S	ORANGE	AV	1609D	I4
201100457835	2	DRUNK PEDESTRIAN	J			10/16/11	142	1912	S	ORANGE	AV	1609D	I4
201100453061	69	TRESPASSER	S	WM		10/13/11	219	1912	S	ORANGE	AV	1609D	I4
201100441899	13P	SUSPICIOUS PERSON	S	WM		10/06/11	48	1912	S	ORANGE	AV	1609D	I4
201100440129	22	GENERAL DISTURBANCE	G			10/05/11	118	1912	S	ORANGE	AV	1609D	I4
201100431917	29C	COMMERCIAL ALARM	L			9/29/11	1219	1912	S	ORANGE	AV	1609D	I4
201100390814	64	DIRECT TRAFFIC	G			9/03/11	150	1912	S	ORANGE	AV	1609D	I4
201100376093	65	NOISE ORDINANCE VIOLATION	G			8/25/11	25	1912	S	ORANGE	AV	1609D	I4
201100365228	85	BATTERY	A	O	AL*	8/18/11	107	1912	S	ORANGE	AV	1609D	I4
201100354267	69	TRESPASSER	S	BM		8/11/11	140	1912	S	ORANGE	AV	1609D	I4
201100801858	67	FOUND PROPERTY	A			8/09/11	919	1912	S	ORANGE	AV	1609D	I4
201100346668	85	BATTERY	G			8/06/11	117	1912	S	ORANGE	AV	1609D	I4
201100343390	59	SICK OR INJURED PERSON	J			8/04/11	228	1912	S	ORANGE	AV	1609D	I4
201100343371	69	TRESPASSER	S	WF		8/04/11	213	1912	S	ORANGE	AV	1609D	I4
201100324690	64	DIRECT TRAFFIC	G			7/23/11	221	1912	S	ORANGE	AV	1609D	I4
201100324189	85	BATTERY	G	BB		7/22/11	2108	1912	S	ORANGE	AV	1609D	I4

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS			CALL DATE/TIME		ST#	DR	STREET NAME	SF	GRID	DIST
201100291179	49	VANDALISM/CRIMINAL MISCHIEF	A	CY		7/02/11	302	1912	S	ORANGE	AV	1609D	I4
201100291064	40	OFFICER WITH PRISONER	BB			7/02/11	155	1912	S	ORANGE	AV	1609D	I4
201100291031	85	BATTERY	Q	S	O2*	7/02/11	132	1912	S	ORANGE	AV	1609D	I4
201100291019	59	SICK OR INJURED PERSON	J			7/02/11	121	1912	S	ORANGE	AV	1609D	I4
201100290886	65	NOISE ORDINANCE VIOLATION	G			7/01/11	2358	1912	S	ORANGE	AV	1609D	I4
201100286411	68	ILLEGALLY PARKED CARS	U			6/29/11	1031	1912	S	ORANGE	AV	1609D	I4
201100286381	29C	COMMERCIAL ALARM	L			6/29/11	1012	1912	S	ORANGE	AV	1609D	I4
201100801422	67	FOUND PROPERTY	A			6/25/11	1246	1912	S	ORANGE	AV	1609D	I4
201100276867	85	BATTERY	G	K		6/23/11	118	1912	S	ORANGE	AV	1609D	I4
201100270519	65	NOISE ORDINANCE VIOLATION	G			6/19/11	47	1912	S	ORANGE	AV	1609D	I4
201100270069	29C	COMMERCIAL ALARM	L			6/18/11	1909	1912	S	ORANGE	AV	1609D	I4
201100269070	69	TRESPASSER	S	BM		6/18/11	104	1912	S	ORANGE	AV	1609D	I4
201100265565	59	SICK OR INJURED PERSON	J			6/16/11	54	1912	S	ORANGE	AV	1609D	I4
201100259207	61	HOUSE/BUSINESS CHECK	G			6/12/11	141	1912	S	ORANGE	AV	1609D	I4
201100252842	29C	COMMERCIAL ALARM	BB			6/08/11	313	1912	S	ORANGE	AV	1609D	I4
201100246031	21V	VEHICLE BURGLARY	PACE	A	CY	6/03/11	2001	1912	S	ORANGE	AV	1609D	I4
201100242907	61	HOUSE/BUSINESS CHECK	G			6/02/11	1	1912	S	ORANGE	AV	1609D	I4
201100232374	69	TRESPASSER	S2	HM2		5/26/11	253	1912	S	ORANGE	AV	1609D	I4
201100218647	29C	COMMERCIAL ALARM	BB			5/17/11	1122	1912	S	ORANGE	AV	1609D	I4
201100215228	65	NOISE ORDINANCE VIOLATION	G			5/15/11	211	1912	S	ORANGE	AV	1609D	I4
201100213414	13P	SUSPICIOUS PERSON	H			5/13/11	2203	1912	S	ORANGE	AV	1609D	I4
201100188464	80C	COMMUNITY ORIENTATED POLICIN	G			4/28/11	259	1912	S	ORANGE	AV	1609D	I4
201100180760	73	UNKNOWN TROUBLE	JB			4/23/11	124	1912	S	ORANGE	AV	1609D	I4
201100177347	1050	STOPPING VEHICLE	O	T	Z*	4/21/11	51	1912	S	ORANGE	AV	1609D	I4
201100166375	95	DRUG VIOLATION	A	N	XX	4/14/11	312	1912	S	ORANGE	AV	1609D	I4
201100166322	13P	SUSPICIOUS PERSON	O	HM		4/14/11	208	1912	S	ORANGE	AV	1609D	I4
201100166286	2	DRUNK PEDESTRIAN	J			4/14/11	132	1912	S	ORANGE	AV	1609D	I4
201100158877	29C	COMMERCIAL ALARM	L			4/09/11	1222	1912	S	ORANGE	AV	1609D	I4
201100143497	13P	SUSPICIOUS PERSON	O	WM		3/30/11	2347	1912	S	ORANGE	AV	1609D	I4
201100800506	56	THEFT	A			3/03/11	348	1912	S	ORANGE	AV	1609D	I4
201100079625	4	ACCIDENT (MINOR)	C	T	WF	2/19/11	101	1912	S	ORANGE	AV	1609D	I4
201100079611	22	GENERAL DISTURBANCE	G	K		2/19/11	48	1912	S	ORANGE	AV	1609D	I4
201100075514	67	FOUND PROPERTY	PL			2/16/11	1648	1912	S	ORANGE	AV	1609D	I4
201100069981	10	STOLEN VEHICLE				2/13/11	804	1912	S	ORANGE	AV	1609D	I4
201100064782	85	BATTERY	G	K		2/10/11	242	1912	S	ORANGE	AV	1609D	I4
201100064670	22	GENERAL DISTURBANCE	G	K		2/10/11	113	1912	S	ORANGE	AV	1609D	I4
201100058730	29C	COMMERCIAL ALARM	BB			2/06/11	1513	1912	S	ORANGE	AV	1609D	I4
201100052768	69	TRESPASSER	S	WM		2/03/11	47	1912	S	ORANGE	AV	1609D	I4
201100034226	61	HOUSE/BUSINESS CHECK	G			1/22/11	730	1912	S	ORANGE	AV	1609D	I4
201100030509	22	GENERAL DISTURBANCE	G			1/20/11	232	1912	S	ORANGE	AV	1609D	I4
201100030487	22	GENERAL DISTURBANCE	G			1/20/11	210	1912	S	ORANGE	AV	1609D	I4
201100022684	85	BATTERY	O			1/15/11	250	1912	S	ORANGE	AV	1609D	I4
201100022392	30	MAN DOWN	J			1/14/11	2316	1912	S	ORANGE	AV	1609D	I4
201100019229	85	BATTERY	A	CY		1/13/11	351	1912	S	ORANGE	AV	1609D	I4
201100019186	13P	SUSPICIOUS PERSON	G			1/13/11	243	1912	S	ORANGE	AV	1609D	I4
201100010920	69	TRESPASSER	S			1/08/11	42	1912	S	ORANGE	AV	1609D	I4
201100800028	67	FOUND PROPERTY	A			1/01/11	629	1912	S	ORANGE	AV	1609D	I4
201100800027	67	FOUND PROPERTY	A			1/01/11	617	1912	S	ORANGE	AV	1609D	I4
201100000214	85	BATTERY	O	S		1/01/11	217	1912	S	ORANGE	AV	1609D	I4
201100000197	85	BATTERY	H			1/01/11	207	1912	S	ORANGE	AV	1609D	I4
201100000196	85	BATTERY	H			1/01/11	206	1912	S	ORANGE	AV	1609D	I4

Orlando Police Department 8.11
All Calls For Service
ZACHARY BLAIR, VIA OPD RECORDS, JP
From 8/01/2004 Thru 6/01/2016

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS			CALL DATE/TIME		ST#	DR	STREET NAME	SF	GRID	DIST
201100000139	59	SICK OR INJURED PERSON	J			1/01/11	134	1912	S	ORANGE	AV	1609D	I4
201100000091	59	SICK OR INJURED PERSON	J			1/01/11	59	1912	S	ORANGE	AV	1609D	I4
201000605938	73	UNKNOWN TROUBLE	G			12/31/10	2343	1912	S	ORANGE	AV	1609D	I4
201000604527	85	BATTERY	JB			12/31/10	53	1912	S	ORANGE	AV	1609D	I4
201000602935	13P	SUSPICIOUS PERSON	J			12/30/10	58	1912	S	ORANGE	AV	1609D	I4
201000598063	29C	COMMERCIAL ALARM	BB			12/26/10	936	1912	S	ORANGE	AV	1609D	I4
201000586502	13P	SUSPICIOUS PERSON	O	Q	WM	12/18/10	0	1912	S	ORANGE	AV	1609D	I4
201000584755	56S	THEFT BY SHOPLIFTING	BB			12/16/10	2342	1912	S	ORANGE	AV	1609D	I4
201000552089	13P	SUSPICIOUS PERSON	O			11/25/10	350	1912	S	ORANGE	AV	1609D	I4
201000545583	40	OFFICER WITH PRISONER	PT			11/21/10	314	1912	S	ORANGE	AV	1609D	I4
201000545543	85	BATTERY	A	O	SS	11/21/10	254	1912	S	ORANGE	AV	1609D	I4
201000533201	59	SICK OR INJURED PERSON	J			11/14/10	103	1912	S	ORANGE	AV	1609D	I4
201000528522	13P	SUSPICIOUS PERSON	G			11/11/10	129	1912	S	ORANGE	AV	1609D	I4
201000513383	29C	COMMERCIAL ALARM	BB			11/01/10	1619	1912	S	ORANGE	AV	1609D	I4
201000509587	30	MAN DOWN	G			10/30/10	133	1912	S	ORANGE	AV	1609D	I4
201000506373	69	TRESPASSER	S	BF		10/28/10	111	1912	S	ORANGE	AV	1609D	I4
201000498958	69	TRESPASSER	S			10/23/10	152	1912	S	ORANGE	AV	1609D	I4
201000488146	69	TRESPASSER	S2			10/16/10	223	1912	S	ORANGE	AV	1609D	I4
201000488068	30	MAN DOWN	J			10/16/10	117	1912	S	ORANGE	AV	1609D	I4
201000457905	29C	COMMERCIAL ALARM	L			9/27/10	1823	1912	S	ORANGE	AV	1609D	I4
201000455534	59	SICK OR INJURED PERSON	J			9/26/10	138	1912	S	ORANGE	AV	1609D	I4
201000443046	11D	DISABLED OCCUPIED VEHICLE	G	BF		9/18/10	257	1912	S	ORANGE	AV	1609D	I4
201000442897	69	TRESPASSER	S2	WF2		9/18/10	111	1912	S	ORANGE	AV	1609D	I4
201000442793	45	NON-EMERGENCY ASSISTANCE	J			9/18/10	2	1912	S	ORANGE	AV	1609D	I4
201000442742	13	SUSPICIOUS CAR	G			9/17/10	2332	1912	S	ORANGE	AV	1609D	I4
201000432163	59	SICK OR INJURED PERSON	J			9/12/10	224	1912	S	ORANGE	AV	1609D	I4
201000426338	13P	SUSPICIOUS PERSON	S	WF		9/08/10	2342	1912	S	ORANGE	AV	1609D	I4
201000419564	91	LIQUOR LAW VIOLATION	O			9/05/10	7	1912	S	ORANGE	AV	1609D	I4
201000419561	91	LIQUOR LAW VIOLATION	O			9/05/10	6	1912	S	ORANGE	AV	1609D	I4
201000801667	67	FOUND PROPERTY	A			8/21/10	1355	1912	S	ORANGE	AV	1609D	I4
201000389690	85	BATTERY	K			8/19/10	247	1912	S	ORANGE	AV	1609D	I4
201000387812	56	THEFT	PACE	A	O	8/18/10	27	1912	S	ORANGE	AV	1609D	I4
201000379236	3	HIT AND RUN (MINOR)	B			8/13/10	10	1912	S	ORANGE	AV	1609D	I4
201000801580	67	FOUND PROPERTY	A			8/08/10	1302	1912	S	ORANGE	AV	1609D	I4
201000366126	69	TRESPASSER	S	WM		8/05/10	222	1912	S	ORANGE	AV	1609D	I4
201000351701	69	TRESPASSER	S2			7/27/10	249	1912	S	ORANGE	AV	1609D	I4
201000351700	72	911 HANG-UP	DUP			7/27/10	248	1912	S	ORANGE	AV	1609D	I4
201000340376	69	TRESPASSER	G			7/20/10	111	1912	S	ORANGE	AV	1609D	I4
201000312612	69	TRESPASSER	S			7/03/10	221	1912	S	ORANGE	AV	1609D	I4
201000312594	59	SICK OR INJURED PERSON	G			7/03/10	211	1912	S	ORANGE	AV	1609D	I4
201000300616	13P	SUSPICIOUS PERSON	G	WM		6/26/10	39	1912	S	ORANGE	AV	1609D	I4
201000296957	85	BATTERY	G			6/24/10	149	1912	S	ORANGE	AV	1609D	I4
201000296814	85	BATTERY	A	CY	N3	6/23/10	2350	1912	S	ORANGE	AV	1609D	I4
201000284598	69	TRESPASSER	S	WM		6/16/10	2332	1912	S	ORANGE	AV	1609D	I4
201000278048	59	SICK OR INJURED PERSON	J			6/13/10	232	1912	S	ORANGE	AV	1609D	I4
201000259051	56	THEFT	A			6/02/10	1717	1912	S	ORANGE	AV	1609D	I4
201000257546	29C	COMMERCIAL ALARM	L			6/01/10	1952	1912	S	ORANGE	AV	1609D	I4
201000238176	56	THEFT	A			5/21/10	1729	1912	S	ORANGE	AV	1609D	I4
201000216025	29C	COMMERCIAL ALARM	BB			5/08/10	1313	1912	S	ORANGE	AV	1609D	I4
201000800867	56	THEFT	A			5/01/10	1304	1912	S	ORANGE	AV	1609D	I4
201000199816	64	DIRECT TRAFFIC	JB			4/29/10	205	1912	S	ORANGE	AV	1609D	I4

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS			CALL DATE/TIME		ST#	DR	STREET NAME	SF	GRID	DIST
201000199809	69	TRESPASSER	S	HM		4/29/10	158	1912	S	ORANGE	AV	1609D	I4
201000800828	67	FOUND PROPERTY	A			4/25/10	1032	1912	S	ORANGE	AV	1609D	I4
201000191572	65	NOISE ORDINANCE VIOLATION	G			4/24/10	224	1912	S	ORANGE	AV	1609D	I4
201000189704	65	NOISE ORDINANCE VIOLATION	G			4/23/10	40	1912	S	ORANGE	AV	1609D	I4
201000187632	69	TRESPASSER	H			4/21/10	2210	1912	S	ORANGE	AV	1609D	I4
201000181206	65	NOISE ORDINANCE VIOLATION	H			4/18/10	5	1912	S	ORANGE	AV	1609D	I4
201000179628	65	NOISE ORDINANCE VIOLATION	H			4/17/10	120	1912	S	ORANGE	AV	1609D	I4
201000168898	69	TRESPASSER	G			4/11/10	223	1912	S	ORANGE	AV	1609D	I4
201000114925	29H	Hold Up Alarm	BB			3/10/10	1143	1912	S	ORANGE	AV	1609D	I4
201000112519	85	BATTERY	O	Q	WF	3/09/10	45	1912	S	ORANGE	AV	1609D	I4
201000083471	85	BATTERY	A	N	S*	2/20/10	130	1912	S	ORANGE	AV	1609D	I4
201000083398	85	BATTERY	O4	BF4		2/20/10	30	1912	S	ORANGE	AV	1609D	I4
201000083031	29C	COMMERCIAL ALARM	BB			2/19/10	2006	1912	S	ORANGE	AV	1609D	I4
201000067099	21V	VEHICLE BURGLARY	A			2/10/10	901	1912	S	ORANGE	AV	1609D	I4
201000062187	29H	Hold Up Alarm	L			2/07/10	121	1912	S	ORANGE	AV	1609D	I4
201000060581	85	BATTERY	H			2/06/10	104	1912	S	ORANGE	AV	1609D	I4
201000057152	69	TRESPASSER	S			2/04/10	30	1912	S	ORANGE	AV	1609D	I4
201000053964	29C	COMMERCIAL ALARM	L			2/02/10	900	1912	S	ORANGE	AV	1609D	I4
201000053947	50	FUGITIVE FROM JUSTICE/WANTED	A			2/02/10	843	1912	S	ORANGE	AV	1609D	I4
201000048966	59	SICK OR INJURED PERSON	J			1/30/10	59	1912	S	ORANGE	AV	1609D	I4
201000034593	95	DRUG VIOLATION	G			1/21/10	1751	1912	S	ORANGE	AV	1609D	I4
201000033500	13P	SUSPICIOUS PERSON	S			1/21/10	237	1912	S	ORANGE	AV	1609D	I4
201000033462	69	TRESPASSER	O	S		1/21/10	153	1912	S	ORANGE	AV	1609D	I4
201000022581	56	THEFT	A			1/14/10	1840	1912	S	ORANGE	AV	1609D	I4
201000021343	50	FUGITIVE FROM JUSTICE/WANTED	FW2	BM	BF	1/14/10	333	1912	S	ORANGE	AV	1609D	I4
201000021288	85	BATTERY	A	CY		1/14/10	232	1912	S	ORANGE	AV	1609D	I4
201000021049	95	DRUG VIOLATION	O	S	XX	1/13/10	2317	1912	S	ORANGE	AV	1609D	I4
201000000290	69	TRESPASSER	O	S	WM	1/01/10	253	1912	S	ORANGE	AV	1609D	I4
201000000271	13P	SUSPICIOUS PERSON	G			1/01/10	246	1912	S	ORANGE	AV	1609D	I4
200900608804	21V	VEHICLE BURGLARY	A	N2	WM2	12/27/09	308	1912	S	ORANGE	AV	1609D	I4
200900607527	10	STOLEN VEHICLE	BB			12/26/09	139	1912	S	ORANGE	AV	1609D	I4
200900605241	85	BATTERY	G			12/24/09	158	1912	S	ORANGE	AV	1609D	I4
200900603767	21V	VEHICLE BURGLARY	BB	G		12/23/09	231	1912	S	ORANGE	AV	1609D	I4
200900599930	29C	COMMERCIAL ALARM	BB			12/20/09	1649	1912	S	ORANGE	AV	1609D	I4
200900593879	69	TRESPASSER	O	S2	A*	12/17/09	132	1912	S	ORANGE	AV	1609D	I4
200900593718	59	SICK OR INJURED PERSON	J			12/16/09	2316	1912	S	ORANGE	AV	1609D	I4
200900582081	56	THEFT	A	CY		12/10/09	20	1912	S	ORANGE	AV	1609D	I4
200900582055	69	TRESPASSER	S			12/10/09	2	1912	S	ORANGE	AV	1609D	I4
200900563007	69	TRESPASSER	S	WM		11/28/09	158	1912	S	ORANGE	AV	1609D	I4
200900560376	69	TRESPASSER	S2			11/26/09	157	1912	S	ORANGE	AV	1609D	I4
200900548587	67	FOUND PROPERTY	PL			11/19/09	1214	1912	S	ORANGE	AV	1609D	I4
200900539784	13P	SUSPICIOUS PERSON	S2			11/14/09	142	1912	S	ORANGE	AV	1609D	I4
200900536112	30	MAN DOWN	J			11/12/09	0	1912	S	ORANGE	AV	1609D	I4
200900534378	56	THEFT	A	CY		11/11/09	58	1912	S	ORANGE	AV	1609D	I4
200900524886	22	GENERAL DISTURBANCE	G			11/04/09	2312	1912	S	ORANGE	AV	1609D	I4
200900516923	13P	SUSPICIOUS PERSON	O	S	BM	10/31/09	242	1912	S	ORANGE	AV	1609D	I4
200900509862	69	TRESPASSER	G			10/27/09	151	1912	S	ORANGE	AV	1609D	I4
200900501623	21V	VEHICLE BURGLARY	PACE	A		10/22/09	22	1912	S	ORANGE	AV	1609D	I4
200900497271	29C	COMMERCIAL ALARM	L			10/19/09	1505	1912	S	ORANGE	AV	1609D	I4
200900486044	29C	COMMERCIAL ALARM	BB			10/12/09	2103	1912	S	ORANGE	AV	1609D	I4
200900801097	56	THEFT	A			10/11/09	1854	1912	S	ORANGE	AV	1609D	I4

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS	CALL DATE/TIME	ST#	DR	STREET NAME	SF	GRID	DIST
200900483527	29C	COMMERCIAL ALARM	L	10/11/09 343	1912	S	ORANGE	AV	1609D	I4
200900483451	73	UNKNOWN TROUBLE	G	10/11/09 225	1912	S	ORANGE	AV	1609D	I4
200900483373	30	MAN DOWN	G	10/11/09 123	1912	S	ORANGE	AV	1609D	I4
200900481941	69	TRESPASSER	S WF	10/10/09 242	1912	S	ORANGE	AV	1609D	I4
200900800989	67	FOUND PROPERTY	A	9/26/09 1354	1912	S	ORANGE	AV	1609D	I4
200900454090	69	TRESPASSER	S	9/24/09 109	1912	S	ORANGE	AV	1609D	I4
200900447266	22	GENERAL DISTURBANCE		9/20/09 17	1912	S	ORANGE	AV	1609D	I4
200900430542	69	TRESPASSER	O S2	9/10/09 56	1912	S	ORANGE	AV	1609D	I4
200900425938	21C	COMMERCIAL BURGLARY	A CY	9/07/09 908	1912	S	ORANGE	AV	1609D	I4
200900407342	67	FOUND PROPERTY	PL	8/27/09 155	1912	S	ORANGE	AV	1609D	I4
200900392444	69	TRESPASSER	H	8/18/09 128	1912	S	ORANGE	AV	1609D	I4
200900380174	69	TRESPASSER	Q S BM	8/10/09 1618	1912	S	ORANGE	AV	1609D	I4
200900374599	29H	Hold Up Alarm	G	8/07/09 944	1912	S	ORANGE	AV	1609D	I4
200900364005	2	DRUNK PEDESTRIAN	J	8/01/09 48	1912	S	ORANGE	AV	1609D	I4
200900363240	56	THEFT	A CY	7/31/09 1549	1912	S	ORANGE	AV	1609D	I4
200900358696	49	VANDALISM/CRIMINAL MISCHIEF	A	7/29/09 216	1912	S	ORANGE	AV	1609D	I4
200900350018	48	FRAUD-COUNTERFEIT		7/24/09 645	1912	S	ORANGE	AV	1609D	I4
200900341271	69	TRESPASSER	H	7/19/09 215	1912	S	ORANGE	AV	1609D	I4
200900339292	13P	SUSPICIOUS PERSON	J	7/17/09 2359	1912	S	ORANGE	AV	1609D	I4
200900335599	95	DRUG VIOLATION	O S HM*	7/16/09 36	1912	S	ORANGE	AV	1609D	I4
200900335027	29C	COMMERCIAL ALARM	G	7/15/09 1857	1912	S	ORANGE	AV	1609D	I4
200900326924	29C	COMMERCIAL ALARM	L	7/11/09 400	1912	S	ORANGE	AV	1609D	I4
200900326604	13P	SUSPICIOUS PERSON	Q	7/11/09 11	1912	S	ORANGE	AV	1609D	I4
200900323010	13P	SUSPICIOUS PERSON	O S BM	7/09/09 209	1912	S	ORANGE	AV	1609D	I4
200900321014	21V	VEHICLE BURGLARY	PACE A	7/08/09 23	1912	S	ORANGE	AV	1609D	I4
200900315615	69	TRESPASSER	S	7/04/09 2237	1912	S	ORANGE	AV	1609D	I4
200900310493	85	BATTERY	A CY	7/02/09 230	1912	S	ORANGE	AV	1609D	I4
200900310431	69	TRESPASSER	S3	7/02/09 139	1912	S	ORANGE	AV	1609D	I4
200900277856	85	BATTERY	A CY	6/13/09 246	1912	S	ORANGE	AV	1609D	I4
200900265538	69	TRESPASSER	S	6/06/09 23	1912	S	ORANGE	AV	1609D	I4
200900262047	45	NON-EMERGENCY ASSISTANCE	J	6/04/09 201	1912	S	ORANGE	AV	1609D	I4
200900255243	13P	SUSPICIOUS PERSON	Q WM	5/31/09 145	1912	S	ORANGE	AV	1609D	I4
200900250035	13P	SUSPICIOUS PERSON	S WM	5/28/09 129	1912	S	ORANGE	AV	1609D	I4
200900242848	29C	COMMERCIAL ALARM	BB	5/23/09 1943	1912	S	ORANGE	AV	1609D	I4
200900241816	67	FOUND PROPERTY	PL	5/23/09 302	1912	S	ORANGE	AV	1609D	I4
200900230599	29C	COMMERCIAL ALARM	BB	5/16/09 1101	1912	S	ORANGE	AV	1609D	I4
200900224443	21V	VEHICLE BURGLARY	PACE A CY	5/13/09 23	1912	S	ORANGE	AV	1609D	I4
200900219676	22	GENERAL DISTURBANCE	G DUP	5/10/09 156	1912	S	ORANGE	AV	1609D	I4
200900219568	2	DRUNK PEDESTRIAN	J	5/10/09 38	1912	S	ORANGE	AV	1609D	I4
200900219468	13P	SUSPICIOUS PERSON	G	5/09/09 2322	1912	S	ORANGE	AV	1609D	I4
200900195568	29H	Hold Up Alarm	G	4/26/09 39	1912	S	ORANGE	AV	1609D	I4
200900181592	2	DRUNK PEDESTRIAN	J	4/18/09 200	1912	S	ORANGE	AV	1609D	I4
200900181560	69	TRESPASSER	S2	4/18/09 140	1912	S	ORANGE	AV	1609D	I4
200900177526	69	TRESPASSER	S2	4/16/09 215	1912	S	ORANGE	AV	1609D	I4
200900177483	69	TRESPASSER	S	4/16/09 137	1912	S	ORANGE	AV	1609D	I4
200900177482	69	TRESPASSER	S WF	4/16/09 136	1912	S	ORANGE	AV	1609D	I4
200900177399	69	TRESPASSER	S WM	4/16/09 18	1912	S	ORANGE	AV	1609D	I4
200900171455	10	STOLEN VEHICLE	PACE A CY	4/12/09 1313	1912	S	ORANGE	AV	1609D	I4
200900169247	69	TRESPASSER	S3	4/11/09 132	1912	S	ORANGE	AV	1609D	I4
200900165724	84	THREATS/ASSAULT	G	4/09/09 111	1912	S	ORANGE	AV	1609D	I4
200900153917	56	THEFT	A	4/02/09 329	1912	S	ORANGE	AV	1609D	I4

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS			CALL DATE/TIME		ST#	DR	STREET NAME	SF	GRID	DIST
200900153740	69	TRESPASSER	S			4/02/09	49	1912	S	ORANGE	AV	1609D	I4
200900141669	40	OFFICER WITH PRISONER	G	G	G*	3/26/09	246	1912	S	ORANGE	AV	1609D	I4
200900141631	13P	SUSPICIOUS PERSON	O	S	OC*	3/26/09	209	1912	S	ORANGE	AV	1609D	I4
200900141541	69	TRESPASSER	S	G		3/26/09	31	1912	S	ORANGE	AV	1609D	I4
200900134904	69	TRESPASSER	S			3/22/09	210	1912	S	ORANGE	AV	1609D	I4
200900127294	85	BATTERY	PACE	A		3/18/09	150	1912	S	ORANGE	AV	1609D	I4
200900120680	22	GENERAL DISTURBANCE	JB			3/14/09	251	1912	S	ORANGE	AV	1609D	I4
200900120539	13P	SUSPICIOUS PERSON	G			3/14/09	105	1912	S	ORANGE	AV	1609D	I4
200900120337	22	GENERAL DISTURBANCE	G			3/13/09	2323	1912	S	ORANGE	AV	1609D	I4
200900116721	67	FOUND PROPERTY	PL			3/12/09	246	1912	S	ORANGE	AV	1609D	I4
200900112225	67	FOUND PROPERTY	PL			3/09/09	1520	1912	S	ORANGE	AV	1609D	I4
200900098178	69	TRESPASSER	S	WF		3/01/09	110	1912	S	ORANGE	AV	1609D	I4
200900092985	69	TRESPASSER	S			2/26/09	209	1912	S	ORANGE	AV	1609D	I4
200900080420	68	ILLEGALLY PARKED CARS	U	MM		2/18/09	2342	1912	S	ORANGE	AV	1609D	I4
200900080417	68	ILLEGALLY PARKED CARS	G			2/18/09	2341	1912	S	ORANGE	AV	1609D	I4
200900069214	29C	COMMERCIAL ALARM	JB			2/12/09	424	1912	S	ORANGE	AV	1609D	I4
200900069143	4I	ACCIDENT (INJURIES)	DUP			2/12/09	240	1912	S	ORANGE	AV	1609D	I4
200900069142	3	HIT AND RUN (MINOR)	JB	B		2/12/09	239	1912	S	ORANGE	AV	1609D	I4
200900069035	85	BATTERY	O2	S2	WF	2/12/09	48	1912	S	ORANGE	AV	1609D	I4
200900039399	85	BATTERY	O	SS		1/25/09	155	1912	S	ORANGE	AV	1609D	I4
200900037766	29H	Hold Up Alarm	JB			1/24/09	128	1912	S	ORANGE	AV	1609D	I4
200900035494	56	THEFT	A			1/22/09	1858	1912	S	ORANGE	AV	1609D	I4
200900034244	69	TRESPASSER	S	WM		1/22/09	155	1912	S	ORANGE	AV	1609D	I4
200900032619	29C	COMMERCIAL ALARM	BB			1/21/09	327	1912	S	ORANGE	AV	1609D	I4
200900031069	56	THEFT	K			1/20/09	309	1912	S	ORANGE	AV	1609D	I4
200900029531	49	VANDALISM/CRIMINAL MISCHIEF	H			1/19/09	237	1912	S	ORANGE	AV	1609D	I4
200900028131	84	THREATS/ASSAULT	H			1/18/09	115	1912	S	ORANGE	AV	1609D	I4
200900007475	21V	VEHICLE BURGLARY	PACE	A		1/06/09	329	1912	S	ORANGE	AV	1609D	I4
200900004566	17	CONTACT/ATTEMPT TO CONTACT	H			1/04/09	205	1912	S	ORANGE	AV	1609D	I4
200900004536	21V	VEHICLE BURGLARY	PACE	A	CY	1/04/09	144	1912	S	ORANGE	AV	1609D	I4
200900004466	59	SICK OR INJURED PERSON	J			1/04/09	46	1912	S	ORANGE	AV	1609D	I4
200900000169	40	OFFICER WITH PRISONER	G			1/01/09	141	1912	S	ORANGE	AV	1609D	I4
200900000150	13P	SUSPICIOUS PERSON	BM	MW		1/01/09	129	1912	S	ORANGE	AV	1609D	I4
200800562120	29C	COMMERCIAL ALARM	BB			12/29/08	1539	1912	S	ORANGE	AV	1609D	I4
200800558656	22	GENERAL DISTURBANCE	G	K		12/27/08	236	1912	S	ORANGE	AV	1609D	I4
200800558636	84	THREATS/ASSAULT	H			12/27/08	221	1912	S	ORANGE	AV	1609D	I4
200800545833	95	DRUG VIOLATION	G	N	S*	12/18/08	221	1912	S	ORANGE	AV	1609D	I4
200800545829	69	TRESPASSER	S			12/18/08	214	1912	S	ORANGE	AV	1609D	I4
200800541105	56	THEFT	A			12/15/08	1015	1912	S	ORANGE	AV	1609D	I4
200800537860	29C	COMMERCIAL ALARM	JB			12/13/08	407	1912	S	ORANGE	AV	1609D	I4
200800534365	13P	SUSPICIOUS PERSON	S2			12/11/08	3	1912	S	ORANGE	AV	1609D	I4
200800532859	13I	SUSPICIOUS INCIDENT	JB			12/10/08	307	1912	S	ORANGE	AV	1609D	I4
200800513420	95	DRUG VIOLATION	CY	XX	N*	11/27/08	36	1912	S	ORANGE	AV	1609D	I4
200800513389	4	ACCIDENT (MINOR)	T	CR		11/27/08	15	1912	S	ORANGE	AV	1609D	I4
200800502491	56	THEFT	A	A		11/20/08	907	1912	S	ORANGE	AV	1609D	I4
200800502189	85	BATTERY	A	N	S*	11/20/08	242	1912	S	ORANGE	AV	1609D	I4
200800502132	69	TRESPASSER	S			11/20/08	131	1912	S	ORANGE	AV	1609D	I4
200800500736	69	TRESPASSER	S			11/19/08	152	1912	S	ORANGE	AV	1609D	I4
200800494790	21V	VEHICLE BURGLARY	PACE	A		11/15/08	244	1912	S	ORANGE	AV	1609D	I4
200800480442	95	DRUG VIOLATION	PACE	A	N*	11/06/08	210	1912	S	ORANGE	AV	1609D	I4
200800480334	73	UNKNOWN TROUBLE	H			11/06/08	11	1912	S	ORANGE	AV	1609D	I4

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200800469516	14	GENERAL INVESTIGATION	A			10/30/08	329	1912	S	ORANGE	AV	1609D	I4
200800469482	56	THEFT	PACE	A	CY	10/30/08	248	1912	S	ORANGE	AV	1609D	I4
200800460330	29H	Hold Up Alarm	L			10/24/08	235	1912	S	ORANGE	AV	1609D	I4
200800458514	69	TRESPASSER	S			10/23/08	53	1912	S	ORANGE	AV	1609D	I4
200800433747	45	NON-EMERGENCY ASSISTANCE	J			10/07/08	1503	1912	S	ORANGE	AV	1609D	I4
200800800725	21V	VEHICLE BURGLARY	A			10/06/08	1128	1912	S	ORANGE	AV	1609D	I4
200800417645	67	FOUND PROPERTY	PL			9/27/08	1212	1912	S	ORANGE	AV	1609D	I4
200800403112	69	TRESPASSER	S	WM		9/18/08	57	1912	S	ORANGE	AV	1609D	I4
200800376217	29C	COMMERCIAL ALARM	L			9/01/08	123	1912	S	ORANGE	AV	1609D	I4
200800366503	21C	COMMERCIAL BURGLARY	PACE	A		8/25/08	1700	1912	S	ORANGE	AV	1609D	I4
200800362589	21C	COMMERCIAL BURGLARY	PACE	A		8/22/08	2028	1912	S	ORANGE	AV	1609D	I4
200800357474	29C	COMMERCIAL ALARM	BB			8/19/08	153	1912	S	ORANGE	AV	1609D	I4
200800339967	13P	SUSPICIOUS PERSON	G			8/07/08	543	1912	S	ORANGE	AV	1609D	I4
200800339720	69	TRESPASSER	S	WF		8/07/08	47	1912	S	ORANGE	AV	1609D	I4
200800334852	21V	VEHICLE BURGLARY	PACE	A		8/04/08	55	1912	S	ORANGE	AV	1609D	I4
200800318646	85	BATTERY	O	WM		7/24/08	239	1912	S	ORANGE	AV	1609D	I4
200800308538	29C	COMMERCIAL ALARM	JB			7/17/08	425	1912	S	ORANGE	AV	1609D	I4
200800300995	69	TRESPASSER	G			7/12/08	134	1912	S	ORANGE	AV	1609D	I4
200800297658	69	TRESPASSER				7/10/08	148	1912	S	ORANGE	AV	1609D	I4
200800287269	49	VANDALISM/CRIMINAL MISCHIEF	A	CY		7/03/08	150	1912	S	ORANGE	AV	1609D	I4
200800277133	29C	COMMERCIAL ALARM	BB			6/26/08	1153	1912	S	ORANGE	AV	1609D	I4
200800263932	67	FOUND PROPERTY	XX	ZZ		6/17/08	1957	1912	S	ORANGE	AV	1609D	I4
200800230609	67	FOUND PROPERTY	PL			5/27/08	1046	1912	S	ORANGE	AV	1609D	I4
200800800276	56	THEFT	A			5/23/08	2038	1912	S	ORANGE	AV	1609D	I4
200800214776	21V	VEHICLE BURGLARY	H			5/16/08	2325	1912	S	ORANGE	AV	1609D	I4
200800211655	69	TRESPASSER				5/14/08	2342	1912	S	ORANGE	AV	1609D	I4
200800210764	9	STOLEN/LOST TAG	A			5/14/08	1049	1912	S	ORANGE	AV	1609D	I4
200800210279	85	BATTERY	G			5/14/08	112	1912	S	ORANGE	AV	1609D	I4
200800167592	69	TRESPASSER	JB			4/18/08	14	1912	S	ORANGE	AV	1609D	I4
200800166183	56	THEFT	A			4/17/08	331	1912	S	ORANGE	AV	1609D	I4
200800159259	21V	VEHICLE BURGLARY	G			4/12/08	153	1912	S	ORANGE	AV	1609D	I4
200800156602	29C	COMMERCIAL ALARM	L			4/10/08	1524	1912	S	ORANGE	AV	1609D	I4
200800145609	56	THEFT	A			4/03/08	1015	1912	S	ORANGE	AV	1609D	I4
200800123427	69	TRESPASSER	S			3/20/08	316	1912	S	ORANGE	AV	1609D	I4
200800123407	22	GENERAL DISTURBANCE	G			3/20/08	300	1912	S	ORANGE	AV	1609D	I4
200800112295	45	NON-EMERGENCY ASSISTANCE	G			3/13/08	211	1912	S	ORANGE	AV	1609D	I4
200800112239	69	TRESPASSER	S			3/13/08	37	1912	S	ORANGE	AV	1609D	I4
200800108031	56	THEFT	A			3/10/08	1201	1912	S	ORANGE	AV	1609D	I4
200800097833	13P	SUSPICIOUS PERSON	G			3/04/08	400	1912	S	ORANGE	AV	1609D	I4
200800097823	29C	COMMERCIAL ALARM	L			3/04/08	350	1912	S	ORANGE	AV	1609D	I4
200800089769	85	BATTERY	G	CY		2/28/08	209	1912	S	ORANGE	AV	1609D	I4
200800079114	29C	COMMERCIAL ALARM	L			2/21/08	1654	1912	S	ORANGE	AV	1609D	I4
200800074955	49	VANDALISM/CRIMINAL MISCHIEF	G			2/19/08	153	1912	S	ORANGE	AV	1609D	I4
200800050749	59	SICK OR INJURED PERSON	J			2/03/08	310	1912	S	ORANGE	AV	1609D	I4
200800049170	13P	SUSPICIOUS PERSON	J			2/02/08	56	1912	S	ORANGE	AV	1609D	I4
200800034908	69	TRESPASSER	S	WM		1/24/08	145	1912	S	ORANGE	AV	1609D	I4
200800030910	56	THEFT	A			1/21/08	1804	1912	S	ORANGE	AV	1609D	I4
200800023262	29C	COMMERCIAL ALARM	BB			1/16/08	1358	1912	S	ORANGE	AV	1609D	I4
200800013635	21V	VEHICLE BURGLARY	A	CY		1/10/08	248	1912	S	ORANGE	AV	1609D	I4
200800004499	21V	VEHICLE BURGLARY	A	CY		1/04/08	222	1912	S	ORANGE	AV	1609D	I4
200800002940	21V	VEHICLE BURGLARY	A	PACE	CY	1/03/08	236	1912	S	ORANGE	AV	1609D	I4

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200800000239	59	SICK OR INJURED PERSON	G			1/01/08	251	1912	S	ORANGE	AV	1609D	I4
200700533771	67	FOUND PROPERTY	PL			12/28/07	1320	1912	S	ORANGE	AV	1609D	I4
200700531746	69	TRESPASSER	S			12/27/07	144	1912	S	ORANGE	AV	1609D	I4
200700530447	21V	VEHICLE BURGLARY	PACE	A	N	12/26/07	208	1912	S	ORANGE	AV	1609D	I4
200700527059	69	TRESPASSER	S			12/23/07	38	1912	S	ORANGE	AV	1609D	I4
200700512154	21V	VEHICLE BURGLARY	A	CY		12/13/07	129	1912	S	ORANGE	AV	1609D	I4
200700501874	69	TRESPASSER	S			12/06/07	832	1912	S	ORANGE	AV	1609D	I4
200700471428	22	GENERAL DISTURBANCE	A	N	S*	11/22/07	41	1912	S	ORANGE	AV	1609D	I4
200700450596	56	THEFT	A			11/08/07	1225	1912	S	ORANGE	AV	1609D	I4
200700439325	69	TRESPASSER	O	S	WM	11/01/07	47	1912	S	ORANGE	AV	1609D	I4
200700428740	73	UNKNOWN TROUBLE	PACE	A		10/25/07	241	1912	S	ORANGE	AV	1609D	I4
200700426932	22	GENERAL DISTURBANCE	J	S		10/24/07	59	1912	S	ORANGE	AV	1609D	I4
200700414210	85	BATTERY	A	N	CY*	10/16/07	203	1912	S	ORANGE	AV	1609D	I4
200700410933	67	FOUND PROPERTY	PL			10/13/07	1751	1912	S	ORANGE	AV	1609D	I4
200700410031	68	ILLEGALLY PARKED CARS	U			10/13/07	41	1912	S	ORANGE	AV	1609D	I4
200700400546	29C	COMMERCIAL ALARM	BB			10/06/07	1852	1912	S	ORANGE	AV	1609D	I4
200700399345	13P	SUSPICIOUS PERSON	G			10/05/07	2338	1912	S	ORANGE	AV	1609D	I4
200700392010	67	FOUND PROPERTY	PL			10/01/07	1724	1912	S	ORANGE	AV	1609D	I4
200700390543	29C	COMMERCIAL ALARM	BB			9/30/07	1753	1912	S	ORANGE	AV	1609D	I4
200700390481	29C	COMMERCIAL ALARM	BB			9/30/07	1651	1912	S	ORANGE	AV	1609D	I4
200700385196	67	FOUND PROPERTY	PL			9/27/07	357	1912	S	ORANGE	AV	1609D	I5
200700377850	13P	SUSPICIOUS PERSON	Q			9/22/07	136	1912	S	ORANGE	AV	1609D	I5
200700374822	29C	COMMERCIAL ALARM	BB			9/20/07	451	1912	S	ORANGE	AV	1609D	I5
200700373487	29C	COMMERCIAL ALARM	L			9/19/07	545	1912	S	ORANGE	AV	1609D	I5
200700370351	29C	COMMERCIAL ALARM	L			9/17/07	533	1912	S	ORANGE	AV	1609D	I5
200700361467	69	TRESPASSER	S			9/10/07	2355	1912	S	ORANGE	AV	1609D	I5
200700357352	13	SUSPICIOUS CAR	G			9/08/07	245	1912	S	ORANGE	AV	1609D	I5
200700356995	13P	SUSPICIOUS PERSON	T	WM		9/07/07	2300	1912	S	ORANGE	AV	1609D	I5
200700354794	29C	COMMERCIAL ALARM	BB			9/06/07	1457	1912	S	ORANGE	AV	1609D	I5
200700352365	12	RECKLESS VEHICLE	G			9/05/07	118	1912	S	ORANGE	AV	1609D	I5
200700347966	30	MAN DOWN	J			9/02/07	157	1912	S	ORANGE	AV	1609D	I5
200700343332	50M	FUGITIVE FROM JUSTICE/MISDEM	MW	WM		8/30/07	207	1912	S	ORANGE	AV	1609D	I5
200700343275	50F	FUGITIVE FROM JUSTICE/FELONY	FW	WM		8/30/07	119	1912	S	ORANGE	AV	1609D	I5
200700342229	22	GENERAL DISTURBANCE	JB			8/29/07	1401	1912	S	ORANGE	AV	1609D	I5
200700337173	50M	FUGITIVE FROM JUSTICE/MISDEM	HM	MW		8/26/07	225	1912	S	ORANGE	AV	1609D	I5
200700337115	69	TRESPASSER	JB			8/26/07	147	1912	S	ORANGE	AV	1609D	I5
200700335579	50M	FUGITIVE FROM JUSTICE/MISDEM	MW			8/25/07	147	1912	S	ORANGE	AV	1609D	I5
200700326487	85	BATTERY	G	BB		8/19/07	241	1912	S	ORANGE	AV	1609D	I5
200700321919	69	TRESPASSER	S			8/16/07	258	1912	S	ORANGE	AV	1609D	I5
200700320214	22	GENERAL DISTURBANCE	PACE	A	CY	8/15/07	201	1912	S	ORANGE	AV	1609D	I5
200700318627	85F	BATTERY, FIGHT IN PROGRESS	J			8/13/07	2345	1912	S	ORANGE	AV	1609D	I5
200700316154	29H	Hold Up Alarm	L			8/12/07	32	1912	S	ORANGE	AV	1609D	I5
200700311734	13P	SUSPICIOUS PERSON	G			8/09/07	131	1912	S	ORANGE	AV	1609D	I5
200700307154	29C	COMMERCIAL ALARM	BB			8/06/07	801	1912	S	ORANGE	AV	1609D	I5
200700287279	69	TRESPASSER	O	S		7/24/07	31	1912	S	ORANGE	AV	1609D	I5
200700280989	29C	COMMERCIAL ALARM	G			7/19/07	1716	1912	S	ORANGE	AV	1609D	I5
200700279975	13P	SUSPICIOUS PERSON	G			7/18/07	2354	1912	S	ORANGE	AV	1609D	I5
200700269407	13P	SUSPICIOUS PERSON	S	BM		7/12/07	144	1912	S	ORANGE	AV	1609D	I5
200700258765	64	DIRECT TRAFFIC	G			7/05/07	243	1912	S	ORANGE	AV	1609D	I5
200700258759	85	BATTERY	DUP			7/05/07	237	1912	S	ORANGE	AV	1609D	I5
200700258758	220	GENERAL DISTURBANCE/ARMED &/	H			7/05/07	236	1912	S	ORANGE	AV	1609D	I5

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200700258757	13P	SUSPICIOUS PERSON	G	7/05/07 236	1912	S	ORANGE	AV	1609D	I5
200700248640	29C	COMMERCIAL ALARM	L	6/28/07 1601	1912	S	ORANGE	AV	1609D	I5
200700239165	67	FOUND PROPERTY	PL	6/22/07 1300	1912	S	ORANGE	AV	1609D	I5
200700233534	59	SICK OR INJURED PERSON	J	6/19/07 39	1912	S	ORANGE	AV	1609D	I5
200700225016	29C	COMMERCIAL ALARM	G	6/13/07 1602	1912	S	ORANGE	AV	1609D	I5
200700224304	22	GENERAL DISTURBANCE	G K	6/13/07 322	1912	S	ORANGE	AV	1609D	I5
200700219624	69	TRESPASSER	S	6/09/07 2217	1912	S	ORANGE	AV	1609D	I5
200700218440	69	TRESPASSER	S HM	6/09/07 31	1912	S	ORANGE	AV	1609D	I5
200700213988	85	BATTERY	G	6/06/07 221	1912	S	ORANGE	AV	1609D	I5
200700208372	85	BATTERY	A CY	6/02/07 29	1912	S	ORANGE	AV	1609D	I5
200700205668	13P	SUSPICIOUS PERSON	S WM	5/31/07 221	1912	S	ORANGE	AV	1609D	I5
200700205646	69	TRESPASSER	S WM	5/31/07 129	1912	S	ORANGE	AV	1609D	I5
200700202660	13P	SUSPICIOUS PERSON	O HM SS	5/29/07 253	1912	S	ORANGE	AV	1609D	I5
200700195862	21V	VEHICLE BURGLARY	A	5/24/07 209	1912	S	ORANGE	AV	1609D	I5
200700192870	22	GENERAL DISTURBANCE	PACE A	5/22/07 121	1912	S	ORANGE	AV	1609D	I5
200700182305	29C	COMMERCIAL ALARM		5/14/07 1603	1912	S	ORANGE	AV	1609D	I5
200700179169	69	TRESPASSER	S HM	5/12/07 157	1912	S	ORANGE	AV	1609D	I5
200700179073	29H	Hold Up Alarm	G	5/12/07 27	1912	S	ORANGE	AV	1609D	I5
200700172796	29C	COMMERCIAL ALARM	BB	5/07/07 1613	1912	S	ORANGE	AV	1609D	I5
200700172740	29C	COMMERCIAL ALARM	BB	5/07/07 1515	1912	S	ORANGE	AV	1609D	I5
200700169320	1050	STOPPING VEHICLE	JB	5/05/07 36	1912	S	ORANGE	AV	1609D	I5
200700166395	29C	COMMERCIAL ALARM	JB	5/03/07 453	1912	S	ORANGE	AV	1609D	I5
200700166260	69	TRESPASSER	S	5/03/07 131	1912	S	ORANGE	AV	1609D	I5
200700156510	69	TRESPASSER	S	4/26/07 248	1912	S	ORANGE	AV	1609D	I5
200700150341	29C	COMMERCIAL ALARM	BB	4/21/07 1604	1912	S	ORANGE	AV	1609D	I5
200700146805	56	THEFT	PACE A CY	4/19/07 201	1912	S	ORANGE	AV	1609D	I5
200700143965	13P	SUSPICIOUS PERSON	H	4/17/07 38	1912	S	ORANGE	AV	1609D	I5
200700140212	45	NON-EMERGENCY ASSISTANCE	G	4/14/07 139	1912	S	ORANGE	AV	1609D	I5
200700130678	85	BATTERY	A CY	4/07/07 323	1912	S	ORANGE	AV	1609D	I5
200700118755	67	FOUND PROPERTY	PL	3/29/07 1811	1912	S	ORANGE	AV	1609D	I5
200700102861	69	TRESPASSER	S	3/18/07 257	1912	S	ORANGE	AV	1609D	I5
200700102796	85F	BATTERY, FIGHT IN PROGRESS	PACE A CY	3/18/07 159	1912	S	ORANGE	AV	1609D	I5
200700101600	13P	SUSPICIOUS PERSON	G	3/17/07 254	1912	S	ORANGE	AV	1609D	I5
200700101544	22	GENERAL DISTURBANCE	G K	3/17/07 158	1912	S	ORANGE	AV	1609D	I5
200700095947	22	GENERAL DISTURBANCE	G	3/13/07 143	1912	S	ORANGE	AV	1609D	I5
200700093487	3	HIT AND RUN (MINOR)	H	3/11/07 49	1912	S	ORANGE	AV	1609D	I5
200700090066	67	FOUND PROPERTY	PL	3/08/07 1445	1912	S	ORANGE	AV	1609D	I5
200700089400	40	OFFICER WITH PRISONER	DUP	3/08/07 243	1912	S	ORANGE	AV	1609D	I5
200700089397	85	BATTERY	G N O*	3/08/07 241	1912	S	ORANGE	AV	1609D	I5
200700089161	85	BATTERY	A	3/07/07 2229	1912	S	ORANGE	AV	1609D	I5
200700086657	22	GENERAL DISTURBANCE	JB	3/06/07 227	1912	S	ORANGE	AV	1609D	I5
200700063043	29C	COMMERCIAL ALARM	BB	2/16/07 1504	1912	S	ORANGE	AV	1609D	I5
200700053014	29H	Hold Up Alarm	L	2/09/07 117	1912	S	ORANGE	AV	1609D	I5
200700046376	56	THEFT	A	2/04/07 402	1912	S	ORANGE	AV	1609D	I5
200700026147	64	DIRECT TRAFFIC	PACE A CY	1/20/07 225	1912	S	ORANGE	AV	1609D	I5
200700023072	69	TRESPASSER	S4	1/18/07 53	1912	S	ORANGE	AV	1609D	I5
200700023055	69	TRESPASSER	S WM	1/18/07 25	1912	S	ORANGE	AV	1609D	I5
200700013483	69	TRESPASSER	S	1/11/07 126	1912	S	ORANGE	AV	1609D	I5
200700007012	73	UNKNOWN TROUBLE	H	1/06/07 243	1912	S	ORANGE	AV	1609D	I5
200700006972	13P	SUSPICIOUS PERSON	S	1/06/07 211	1912	S	ORANGE	AV	1609D	I5
200700006971	85	BATTERY	JB	1/06/07 210	1912	S	ORANGE	AV	1609D	I5

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS			CALL DATE/TIME		ST#	DR	STREET NAME	SF	GRID	DIST
200700003966	69	TRESPASSER	S8			1/04/07	102	1912	S	ORANGE	AV	1609D	I5
200700003920	69	TRESPASSER	S	WM		1/04/07	15	1912	S	ORANGE	AV	1609D	I5
200600488994	29C	COMMERCIAL ALARM	BB			12/30/06	1007	1912	S	ORANGE	AV	1609D	I5
200600480151	29C	COMMERCIAL ALARM	BB			12/22/06	1734	1912	S	ORANGE	AV	1609D	I5
200600478046	73	UNKNOWN TROUBLE	JB			12/21/06	139	1912	S	ORANGE	AV	1609D	I5
200600472920	59	SICK OR INJURED PERSON	G			12/17/06	330	1912	S	ORANGE	AV	1609D	I5
200600472880	49	VANDALISM/CRIMINAL MISCHIEF	PACE	A		12/17/06	245	1912	S	ORANGE	AV	1609D	I5
200600472823	75	CHECK THE WELL BEING	H			12/17/06	148	1912	S	ORANGE	AV	1609D	I5
200600469252	56	THEFT	A			12/14/06	1303	1912	S	ORANGE	AV	1609D	I5
200600459530	29C	COMMERCIAL ALARM	L			12/07/06	715	1912	S	ORANGE	AV	1609D	I5
200600459373	85	BATTERY	A	CY		12/07/06	230	1912	S	ORANGE	AV	1609D	I5
200600459296	69	TRESPASSER	S2			12/07/06	104	1912	S	ORANGE	AV	1609D	I5
200600452749	85	BATTERY	G			12/02/06	57	1912	S	ORANGE	AV	1609D	I5
200600449986	69W	TRESPASS WARNING	O	SS		11/30/06	244	1912	S	ORANGE	AV	1609D	I5
200600444606	69	TRESPASSER	S			11/25/06	2307	1912	S	ORANGE	AV	1609D	I5
200600441381	69	TRESPASSER	S	WM		11/23/06	31	1912	S	ORANGE	AV	1609D	I5
200600422708	85	BATTERY	PACE	A	CY	11/09/06	227	1912	S	ORANGE	AV	1609D	I5
200600422649	29H	Hold Up Alarm	G			11/09/06	125	1912	S	ORANGE	AV	1609D	I5
200600421096	85F	BATTERY, FIGHT IN PROGRESS	G			11/08/06	126	1912	S	ORANGE	AV	1609D	I5
200600419784	22	GENERAL DISTURBANCE	JB			11/07/06	301	1912	S	ORANGE	AV	1609D	I5
200600419773	22	GENERAL DISTURBANCE	O			11/07/06	241	1912	S	ORANGE	AV	1609D	I5
200600412940	4I	ACCIDENT (INJURIES)	B	T		11/02/06	233	EXEMPT	-	SEE RECORDS MANAGER		1609D	I5
200600398274	13I	SUSPICIOUS INCIDENT	JB			10/22/06	420	1912	S	ORANGE	AV	1609D	I5
200600374565	13I	SUSPICIOUS INCIDENT	A	CY		10/05/06	245	1912	S	ORANGE	AV	1609D	I5
200600374547	85	BATTERY	PACE	A	CY	10/05/06	222	1912	S	ORANGE	AV	1609D	I5
200600372647	13P	SUSPICIOUS PERSON	H			10/03/06	2017	1912	S	ORANGE	AV	1609D	I5
200600364852	69	TRESPASSER	S	WM		9/28/06	57	1912	S	ORANGE	AV	1609D	I5
200600355312	67	FOUND PROPERTY	PL			9/21/06	307	1912	S	ORANGE	AV	1609D	I5
200600348965	22	GENERAL DISTURBANCE	G			9/16/06	256	1912	S	ORANGE	AV	1609D	I5
200600343479	85F	BATTERY, FIGHT IN PROGRESS	JB			9/12/06	303	1912	S	ORANGE	AV	1609D	I5
200600336904	59	SICK OR INJURED PERSON	J			9/07/06	153	1912	S	ORANGE	AV	1609D	I5
200600331417	22	GENERAL DISTURBANCE	G			9/03/06	225	1912	S	ORANGE	AV	1609D	I5
200600326953	59	SICK OR INJURED PERSON	PACE	A	CY	8/30/06	2358	1912	S	ORANGE	AV	1609D	I5
200600325728	23P	PERSONS ROBBERY	G			8/29/06	2313	1912	S	ORANGE	AV	1609D	I5
200600313823	29C	COMMERCIAL ALARM	BB			8/21/06	820	1912	S	ORANGE	AV	1609D	I5
200600305235	49	VANDALISM/CRIMINAL MISCHIEF	G			8/15/06	257	1912	S	ORANGE	AV	1609D	I5
200600305191	85	BATTERY	DUP			8/15/06	148	1912	S	ORANGE	AV	1609D	I5
200600296763	29H	Hold Up Alarm	JB			8/09/06	41	1912	S	ORANGE	AV	1609D	I5
200600282118	85	BATTERY	S			7/29/06	136	1912	S	ORANGE	AV	1609D	I5
200600275917	4	ACCIDENT (MINOR)	T	CR	MM	7/24/06	1323	1912	S	ORANGE	AV	1609D	I5
200600259652	85	BATTERY	JB			7/12/06	227	1912	S	ORANGE	AV	1609D	I5
200600251611	1050	STOPPING VEHICLE	JB			7/06/06	3	1912	S	ORANGE	AV	1609D	I5
200600244374	29C	COMMERCIAL ALARM	BB			6/30/06	1328	1912	S	ORANGE	AV	1609D	I5
200600214809	67	FOUND PROPERTY	PL			6/08/06	1312	1912	S	ORANGE	AV	1609D	I5
200600210721	67	FOUND PROPERTY	PL			6/05/06	1421	1912	S	ORANGE	AV	1609D	I5
200600208976	13P	SUSPICIOUS PERSON	G			6/04/06	48	1912	S	ORANGE	AV	1609D	I5
200600208926	13P	SUSPICIOUS PERSON	S7			6/04/06	5	1912	S	ORANGE	AV	1609D	I5
200600204746	69	TRESPASSER	S	WM		6/01/06	149	1912	S	ORANGE	AV	1609D	I5
200600204729	69	TRESPASSER	J	S	WM	6/01/06	135	1912	S	ORANGE	AV	1609D	I5
200600195023	69	TRESPASSER	PACE	A	CY	5/25/06	134	1912	S	ORANGE	AV	1609D	I5
200600189845	29C	COMMERCIAL ALARM	L			5/21/06	555	1912	S	ORANGE	AV	1609D	I5

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS			CALL DATE/TIME		ST#	DR	STREET NAME	SF	GRID	DIST
200600189639	69	TRESPASSER	S			5/21/06	149	1912	S	ORANGE	AV	1609D	I5
200600175717	69	TRESPASSER	S2			5/11/06	155	1912	S	ORANGE	AV	1609D	I5
200600175704	69	TRESPASSER	S	WF		5/11/06	142	1912	S	ORANGE	AV	1609D	I5
200600173613	29C	COMMERCIAL ALARM	BB			5/09/06	1639	1912	S	ORANGE	AV	1609D	I5
200600173198	29H	Hold Up Alarm	JB			5/09/06	1018	1912	S	ORANGE	AV	1609D	I5
200600170541	29C	COMMERCIAL ALARM	BB			5/07/06	849	1912	S	ORANGE	AV	1609D	I5
200600163537	29C	COMMERCIAL ALARM	BB			5/02/06	941	1912	S	ORANGE	AV	1609D	I5
200600146625	85	BATTERY	JB			4/20/06	257	1912	S	ORANGE	AV	1609D	I5
200600144307	29H	Hold Up Alarm	BB			4/18/06	1434	1912	S	ORANGE	AV	1609D	I5
200600142606	29C	COMMERCIAL ALARM	BB			4/17/06	1034	1912	S	ORANGE	AV	1609D	I5
200600130574	29C	COMMERCIAL ALARM	BB			4/08/06	1459	1912	S	ORANGE	AV	1609D	I5
200600130050	13P	SUSPICIOUS PERSON	H			4/08/06	240	1912	S	ORANGE	AV	1609D	I5
200600125548	29C	COMMERCIAL ALARM	L			4/05/06	710	1912	S	ORANGE	AV	1609D	I5
200600125320	22	GENERAL DISTURBANCE	S	WM		4/05/06	50	1912	S	ORANGE	AV	1609D	I5
200600114594	29H	Hold Up Alarm	BB			3/28/06	957	1912	S	ORANGE	AV	1609D	I5
200600111896	13P	SUSPICIOUS PERSON	O	S		3/26/06	126	1912	S	ORANGE	AV	1609D	I5
200600102740	59	SICK OR INJURED PERSON	J			3/19/06	204	1912	S	ORANGE	AV	1609D	I5
200600098801	85	BATTERY	PACE	A	N*	3/16/06	123	1912	S	ORANGE	AV	1609D	I5
200600098789	40	OFFICER WITH PRISONER	JB			3/16/06	105	1912	S	ORANGE	AV	1609D	I5
200600098782	50M	FUGITIVE FROM JUSTICE/MISDEM	BF	MW		3/16/06	54	1912	S	ORANGE	AV	1609D	I5
200600098769	69	TRESPASSER	JB			3/16/06	35	1912	S	ORANGE	AV	1609D	I5
200600093162	29H	Hold Up Alarm	L			3/11/06	1656	1912	S	ORANGE	AV	1609D	I5
200600085746	29H	Hold Up Alarm	JB			3/06/06	852	1912	S	ORANGE	AV	1609D	I5
200600084965	29C	COMMERCIAL ALARM	BB			3/05/06	1501	1912	S	ORANGE	AV	1609D	I5
200600072836	29H	Hold Up Alarm	L			2/24/06	1334	1912	S	ORANGE	AV	1609D	I5
200600069431	29C	COMMERCIAL ALARM	JB			2/22/06	118	1912	S	ORANGE	AV	1609D	I5
200600062893	21V	VEHICLE BURGLARY	PACE	A	CY	2/17/06	42	1912	S	ORANGE	AV	1609D	I5
200600052709	69	TRESPASSER	HM	S2		2/09/06	222	1912	S	ORANGE	AV	1609D	I5
200600052698	69	TRESPASSER	S	WM		2/09/06	206	1912	S	ORANGE	AV	1609D	I5
200600052691	69	TRESPASSER	S	HF		2/09/06	157	1912	S	ORANGE	AV	1609D	I5
200600052590	69	TRESPASSER	S	WM		2/08/06	2357	1912	S	ORANGE	AV	1609D	I5
200600051297	13P	SUSPICIOUS PERSON	C	O	HM	2/08/06	246	1912	S	ORANGE	AV	1609D	I5
200600043426	3	HIT AND RUN (MINOR)				2/02/06	208	1912	S	ORANGE	AV	1609D	I5
200600034011	69	TRESPASSER	S	WF	WM	1/26/06	45	1912	S	ORANGE	AV	1609D	I5
200600033961	69	TRESPASSER	S	WM		1/25/06	2342	1912	S	ORANGE	AV	1609D	I5
200600024395	69	TRESPASSER	S			1/19/06	134	1912	S	ORANGE	AV	1609D	I5
200600024382	69	TRESPASSER	S2	WF2		1/19/06	110	1912	S	ORANGE	AV	1609D	I5
200600024335	59	SICK OR INJURED PERSON	S	WM		1/19/06	6	1912	S	ORANGE	AV	1609D	I5
200600024301	1050	STOPPING VEHICLE	T	WM		1/18/06	2327	1912	S	ORANGE	AV	1609D	I5
200600017991	69	TRESPASSER	S			1/14/06	201	1912	S	ORANGE	AV	1609D	I5
200600014832	69	TRESPASSER	S2	WF2		1/12/06	153	1912	S	ORANGE	AV	1609D	I5
200600013967	67	FOUND PROPERTY	PL			1/11/06	1321	1912	S	ORANGE	AV	1609D	I5
200600013294	13	SUSPICIOUS CAR	JB			1/11/06	128	1912	S	ORANGE	AV	1609D	I5
200600005191	14	GENERAL INVESTIGATION	PACE	A	CY	1/05/06	110	1912	S	ORANGE	AV	1609D	I5
200600001686	13P	SUSPICIOUS PERSON	P			1/02/06	1325	1912	S	ORANGE	AV	1609D	I5
200600000155	44	IMMEDIATE BACKUP	O	WM	S	1/01/06	202	1912	S	ORANGE	AV	1609D	I5
200500494016	85F	BATTERY, FIGHT IN PROGRESS	HM	S5		12/29/05	220	1912	S	ORANGE	AV	1609D	I5
200500484218	67	FOUND PROPERTY	PL			12/20/05	1530	1912	S	ORANGE	AV	1609D	I5
200500472668	29C	COMMERCIAL ALARM	BB			12/11/05	1641	1912	S	ORANGE	AV	1609D	I5
200500462812	69	TRESPASSER	O	S	WM	12/04/05	231	1912	S	ORANGE	AV	1609D	I5
200500457157	59	SICK OR INJURED PERSON	JB			11/30/05	106	1912	S	ORANGE	AV	1609D	I5

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS			CALL DATE/TIME		ST#	DR	STREET NAME	SF	GRID	DIST
200500450182	69	TRESPASSER	S	WM		11/24/05	104	1912	S	ORANGE	AV	1609D	I5
200500450161	59	SICK OR INJURED PERSON	G			11/24/05	45	1912	S	ORANGE	AV	1609D	I5
200500450137	69	TRESPASSER	S			11/24/05	26	1912	S	ORANGE	AV	1609D	I5
200500448296	29H	Hold Up Alarm	L			11/22/05	1454	1912	S	ORANGE	AV	1609D	I5
200500440018	69	TRESPASSER	S			11/17/05	37	1912	S	ORANGE	AV	1609D	I5
200500435141	29C	COMMERCIAL ALARM	L			11/13/05	345	1912	S	ORANGE	AV	1609D	I5
200500427578	29C	COMMERCIAL ALARM	L	OD		11/07/05	1524	1912	S	ORANGE	AV	1609D	I5
200500420501	29C	COMMERCIAL ALARM	BB			11/02/05	956	1912	S	ORANGE	AV	1609D	I5
200500388838	29C	COMMERCIAL ALARM	L			10/09/05	1023	1912	S	ORANGE	AV	1609D	I5
200500366309	2	DRUNK PEDESTRIAN	J			9/22/05	108	1912	S	ORANGE	AV	1609D	I5
200500351617	22	GENERAL DISTURBANCE	G	K		9/10/05	2321	1912	S	ORANGE	AV	1609D	I5
200500350366	13P	SUSPICIOUS PERSON	A	N	S*	9/09/05	2321	1912	S	ORANGE	AV	1609D	I5
200500313517	69	TRESPASSER	S	WM		8/25/05	139	1912	S	ORANGE	AV	1609D	I5
200500278111	56	THEFT	A			7/30/05	1420	1912	S	ORANGE	AV	1609D	I5
200500273830	29C	COMMERCIAL ALARM	L			7/27/05	927	1912	S	ORANGE	AV	1609D	I5
200500237678	69	TRESPASSER	S	WM		6/30/05	235	1912	S	ORANGE	AV	1609D	I5
200500231154	13P	SUSPICIOUS PERSON	G			6/25/05	214	1912	S	ORANGE	AV	1609D	I5
200500228223	69	TRESPASSER	S			6/23/05	208	1912	S	ORANGE	AV	1609D	I5
200500226707	85F	BATTERY, FIGHT IN PROGRESS	S2			6/22/05	48	1912	S	ORANGE	AV	1609D	I5
200500222192	29C	COMMERCIAL ALARM	L			6/18/05	1222	1912	S	ORANGE	AV	1609D	I5
200500221834	69	TRESPASSER	S	A		6/18/05	212	1912	S	ORANGE	AV	1609D	I5
200500219000	95	DRUG VIOLATION	A	N	S2*	6/16/05	153	1912	S	ORANGE	AV	1609D	I5
200500212518	13P	SUSPICIOUS PERSON	S			6/11/05	124	1912	S	ORANGE	AV	1609D	I5
200500203372	14	GENERAL INVESTIGATION	A			6/04/05	300	1912	S	ORANGE	AV	1609D	I5
200500200271	30	MAN DOWN	J			6/02/05	106	1912	S	ORANGE	AV	1609D	I5
200500191233	67	FOUND PROPERTY	PL			5/26/05	1240	1912	S	ORANGE	AV	1609D	I5
200500181205	30	MAN DOWN	J			5/19/05	156	1912	S	ORANGE	AV	1609D	I5
200500176902	22	GENERAL DISTURBANCE	JB			5/15/05	2303	1912	S	ORANGE	AV	1609D	I5
200500176340	56	THEFT	A			5/15/05	1308	1912	S	ORANGE	AV	1609D	I5
200500171458	69	TRESPASSER	S			5/12/05	159	1912	S	ORANGE	AV	1609D	I5
200500171402	59	SICK OR INJURED PERSON	J			5/12/05	25	1912	S	ORANGE	AV	1609D	I5
200500161648	85	BATTERY	O	S	BM*	5/05/05	120	1912	S	ORANGE	AV	1609D	I5
200500137460	45	NON-EMERGENCY ASSISTANCE	J			4/17/05	21	1912	S	ORANGE	AV	1609D	I5
200500126829	69	TRESPASSER	S			4/09/05	43	1912	S	ORANGE	AV	1609D	I5
200500126823	69	TRESPASSER	S			4/09/05	36	1912	S	ORANGE	AV	1609D	I5
200500112835	21V	VEHICLE BURGLARY	A			3/30/05	200	1912	S	ORANGE	AV	1609D	I5
200500082278	95	DRUG VIOLATION	G	ZZ		3/06/05	256	1912	S	ORANGE	AV	1609D	I5
200500075806	29C	COMMERCIAL ALARM				3/01/05	1036	1912	S	ORANGE	AV	1609D	I5
200500072495	29C	COMMERCIAL ALARM	L			2/26/05	1813	1912	S	ORANGE	AV	1609D	I5
200500072366	29C	COMMERCIAL ALARM	L	OD		2/26/05	1554	1912	S	ORANGE	AV	1609D	I5
200500062470	59	SICK OR INJURED PERSON	J			2/18/05	2324	1912	S	ORANGE	AV	1609D	I5
200500054640	13P	SUSPICIOUS PERSON	O	SS	WM	2/13/05	111	1912	S	ORANGE	AV	1609D	I5
200500053466	95	DRUG VIOLATION	G			2/12/05	143	1912	S	ORANGE	AV	1609D	I5
200500053423	69	TRESPASSER	S			2/12/05	53	1912	S	ORANGE	AV	1609D	I5
200500032997	69	TRESPASSER	S			1/27/05	53	1912	S	ORANGE	AV	1609D	I5
200500026951	13P	SUSPICIOUS PERSON	G			1/22/05	127	1912	S	ORANGE	AV	1609D	I5
200500026817	13	SUSPICIOUS CAR	H			1/21/05	2303	1912	S	ORANGE	AV	1609D	I5
200500022779	29C	COMMERCIAL ALARM	L			1/19/05	335	1912	S	ORANGE	AV	1609D	I5
200400456040	29C	COMMERCIAL ALARM	L	OD		12/26/04	1858	1912	S	ORANGE	AV	1609D	I5
200400444169	45	NON-EMERGENCY ASSISTANCE	DUP			12/16/04	211	1912	S	ORANGE	AV	1609D	I5
200400444164	85	BATTERY	O			12/16/04	205	1912	S	ORANGE	AV	1609D	I5

Orlando Police Department 8.11
All Calls For Service
ZACHARY BLAIR, VIA OPD RECORDS, JP
From 8/01/2004 Thru 6/01/2016

INCIDENT #	SIGNAL	DESCRIPTION	DISPOSITIONS	CALL DATE/TIME		ST#	DR	STREET NAME	SF	GRID	DIST
200400429562	59	SICK OR INJURED PERSON	J	12/04/04	100	1912	S	ORANGE	AV	1609D	I5
200400429391	85	BATTERY	A CY S2	12/03/04	2230	1912	S	ORANGE	AV	1609D	I5
200400403436	69	TRESPASSER	S	11/13/04	121	1912	S	ORANGE	AV	1609D	I5
200400396720	29C	COMMERCIAL ALARM	L	11/07/04	1727	1912	S	ORANGE	AV	1609D	I5
200400370704	85	BATTERY	K	10/17/04	206	1912	S	ORANGE	AV	1609D	I5
200400353586	4	ACCIDENT (MINOR)	G	10/03/04	209	1912	S	ORANGE	AV	1609D	I5
200400342593	69	TRESPASSER	O S	9/24/04	2251	1912	S	ORANGE	AV	1609D	I5
200400333106	22	GENERAL DISTURBANCE	S	9/17/04	107	1912	S	ORANGE	AV	1609D	I5
200400280470	59	SICK OR INJURED PERSON	J	8/08/04	250	1912	S	ORANGE	AV	1609D	I5

TOTAL CALLS FOR SERVICE IS: 927

Orlando Police Department 8.11
All Calls For Service
ZACHARY BLAIR, VIA OPD RECORDS, JP
From 8/01/2004 Thru 6/01/2016

SIGNAL	TOTAL	
1	1	DRUNK DRIVER
2	9	DRUNK PEDESTRIAN
3	6	HIT AND RUN (MINOR)
4	10	ACCIDENT (MINOR)
9	1	STOLEN/LOST TAG
10	3	STOLEN VEHICLE
12	2	RECKLESS VEHICLE
13	5	SUSPICIOUS CAR
14	6	GENERAL INVESTIGATION
17	2	CONTACT/ATTEMPT TO CONTACT
22	48	GENERAL DISTURBANCE
30	16	MAN DOWN
4I	5	ACCIDENT (INJURIES)
40	6	OFFICER WITH PRISONER
44	1	IMMEDIATE BACKUP
45	12	NON-EMERGENCY ASSISTANCE
48	2	FRAUD-COUNTERFEIT
49	14	VANDALISM/CRIMINAL MISCHIEF
50	3	FUGITIVE FROM JUSTICE/WANTED
56	57	THEFT
59	45	SICK OR INJURED PERSON
61	7	HOUSE/BUSINESS CHECK
64	6	DIRECT TRAFFIC
65	41	NOISE ORDINANCE VIOLATION
67	42	FOUND PROPERTY
68	4	ILLEGALLY PARKED CARS
69	171	TRESPASSER
72	2	911 HANG-UP
73	20	UNKNOWN TROUBLE
75	2	CHECK THE WELL BEING
8A	2	MISSING PERSON ADULT
84	5	THREATS/ASSAULT
85	85	BATTERY
91	2	LIQUOR LAW VIOLATION
95	10	DRUG VIOLATION
11D	1	DISABLED OCCUPIED VEHICLE
13I	6	SUSPICIOUS INCIDENT
13P	74	SUSPICIOUS PERSON
20N	1	MENTALLY-ILL PERSON (NON-VIOL)
21C	4	COMMERCIAL BURGLARY
21V	26	VEHICLE BURGLARY
220	1	GENERAL DISTURBANCE/ARMED &/ C
23P	1	PERSONS ROBBERY
29C	115	COMMERCIAL ALARM
29H	18	Hold Up Alarm
29R	1	RESIDENTIAL ALARM
31T	1	THREATENING ANIMAL
50F	1	FUGITIVE FROM JUSTICE/FELONY
50M	4	FUGITIVE FROM JUSTICE/MISDEMNR
56S	1	THEFT BY SHOPLIFTING
69W	1	TRESPASS WARNING

SIGNAL	TOTAL	
80C	2	COMMUNITY ORIENTATED POLICING
85F	11	BATTERY, FIGHT IN PROGRESS
1050	5	STOPPING VEHICLE
TOTAL	927	

GRID	TOTAL
1609D	927
TOTAL	927

```
ADDRESS SELECTIONS:
    1912 thru     1912 all     S ORANGE                                AV

ALL SIGNALS SELECTED:
```

This report is based on the date of the call and counts one call for each incident.

Information which could be used to identify the victim of certain crimes as specified under Florida State Statute 119.07 is exempt from public records disclosure.

Appendix K: Examples of Outstanding Investigative Questions

As part of its 2023-2024 investigation, the OPD interviewed only a handful of PULSE victims/survivors. We received recordings of these interviews on October 31, 2024, with public records request #24-11738.

Upon examining these recorded interviews and the OPD's line of questioning, we realized that OPD was not conducting a legitimate investigation into the issues at PULSE. They did not ask anyone about their personal experiences of escape or encountering the code violations at PULSE.

A legitimate investigation would ask a series of questions that address the actual issues being investigated. Here are some questions that might help to get to heart of the matter:

- What modifications were made to PULSE without permits? When were these modifications made? Why?

- Why did the City never force PULSE to comply with building, zoning, and fire codes? Why did the City engage in selective enforcement and preferential treatment when it came to the Pomas and the PULSE nightclub?

- What steps did the City of Orlando take to force PULSE into compliance after 2004 when the City realized PULSE was operating in violation of its Conditional Use Permit?

- What steps did the City take after 2010, when the issue came up again and unpermitted renovations and other code violations was added to the list of compliance issues?

- Why didn't the City enforce compliance for over 12 years?

- The City is quick to state that PULSE had the required number of exits (and this number has fluctuated between five and six), disregarding that the majority of them were not true exits and led victims/survivors into areas of the property that were fenced in by an illegal, unpermitted fence. How many exits were legitimate exits, where people could actually leave the building and not be obstructed by the unpermitted fence?

- While the City is quick to state the number of exits PULSE was required to have, the City has refused to answer this question: How many windows was PULSE required to have?

- Why did the City allow the Pomas to continually violate the law, year after year? Why did they not enforce the law? Why did they not follow up with a building inspection once they became aware that significant work was done without permits?

- Did former Chief of Staff for the Office of the Mayor Frank Billingsley have a personal relationship or friendship with Pulse co-founder, Ron Legler? How involved was Billingsley in the issues surrounding the PULSE Nightclub? How often did he engage with Rosario Poma, Barbara Poma, or Ron Legler? Did he ever give orders to the Permitting Division about PULSE? When did the Office of the Mayor give orders to the Permitting Division about PULSE?

- Why were code compliance cases closed despite obvious and documented violations? Why was Pulse Nightclub never forced into compliance? Why did the City let another 6 years go by without even a citation?

- Does the City's failure to investigate known code violations and unpermitted renovations at PULSE—along with its decision to cancel a planned inspection to shield itself from liability—constitute a civil rights violation? Who called off this inspection due to the building being vacant?

- Survivors who went into the west bathrooms from the Adonis room, where they remained for more than 3 hours, have stated that there was a stripper stage blocking their ability to exit the building through the double doors in the nightclub's Adonis Room from the rear (north side) of the room. None of the nightclub's stripper stages are shown on PULSE's building plans. While the stripper stage is shown in photos near the door, we are not sure if police moved it during the law enforcement response. Did this stage impede escape?

- Since these stripper stages in the Adonis were not documented in any of PULSE's building plans, permitted or unpermitted, were they considered when the Fire Department calculated and re-calculated the nightclub's occupancy load limit? These reduced the nightclub's standing room and available square footage. What about the nightclub's other furnishings?

- The City stated that the nightclub's occupancy load did not change, however, records show that it did in fact fluctuate from 75 to 430. Posted signage stated that the occupancy load was 299 at the time of the shooting. Was the nightclub overcrowded on the night of the shooting? We know the FBI validated 304 victims/survivors who applied to the OneOrlando Fund. So, we know the answer is yes. Why does the City continue to claim there were no life safety issues, when overcrowding is a life safety issue (a fire code violation), that PULSE has been cited for numerous times in the past.

- If the Pomas' lawyer knew in 2016 that the FBI did not collect the nightclub's clicker counter as evidence, the OPD should have known this too in 2024 when it concluded its ridiculously superficial investigation.

- Does the OPD's embarrassment of an "investigation" into these issues, which does nothing but protect the City and the Pomas from liability, constitute a civil rights violation when they failed to collect evidence?

- How much money did George Kalogridis, President of the onePULSE Foundation, personally donate to the nonprofit? What was this money used for? Why were large donors removed from the foundation's 990s in its final IRS tax filings? We know this was to hide Kalogridis' large donation~~.~~

- What was George Kalogridis's relationship with Paul Oppedesiano, Joseph Wise, and Terry Dolo? How much money did they (or their businesses) receive from the onePULSE Foundation?

- Why did the Board allow Barbara Poma to run the onePULSE Foundation, in violation of its own Conflict of Interest policy, as the owner of the Pulse Nightclub property and as someone who was being sued by victims/survivors that the nonprofit claimed to honor? Why did the Board vote to pay for her personal property taxes on the property she would later sell to the City of Orlando for $2M, after receiving an insurance payout for that same building.

- How much money did the onePULSE Foundation spend on travel, particularly for Barbara Poma?

- Is it legal for the nonprofit to "donate" the improvements made to the PULSE nightclub property to the nightclub owners, which the City claimed were worth the $2M price it paid for the property despite deterioration and wear and tear?

- None of the appraisers that the City of Orlando hired went inside the PULSE nightclub property and all overestimated the property's value by nearly double. The first appraiser was given false information from Rosario Poma, including that there were no code violations or unpermitted work done and that there were second-floor offices. This caused the appraiser to use downtown office buildings as comps. This appears to be fraud and market manipulation, especially when the building has sat vacant and has been deteriorating over the years, with rook leaks and holes in its walls.

- We know Craig Mateer is the sister of city attorney Jody Mateer Litchford, but what other relationships exist between city officials and those who worked to conceal the facts?

Appendix L: Q&A Document

Created by Heather Fagan and Kyle Shephard
Sent to Commissioners on June 28, 2016, at 2:19 PM

City Policy/Reports – Q and A

- City records on Pulse show a generally compliant and safe building.
- After review of fire inspections, code enforcement and permitting documents, Pulse does not have a pattern of critical life-safety violations.
- This includes the most recent "exit check" for Pulse which was conducted on May 21, 2016.

OVERVIEW:

We have no indication that exits were blocked. OFD conducts regular "exit checks" to ensure businesses have the proper life safety measures in place. After a review of fire records, there is no pattern of exits being blocked inside Pulse, this includes the most recent exit check conducted on May 21, 2016.

The Fire Engineer who conducted the exit check reports there were zero life safety issues and two minor infractions.

- A fire extinguisher on the ground instead of hanging on the wall, which was immediately corrected.
- One exit sign was in need of battery for back-up power
- No obstructed exits
- No exits doors locked
- No obstructed aisles
- No improper locks on exit doors

If a life safety issue is identified, corrective action is immediately taken.

For an establishment with the size and use of Pulse, city code would require 2 exits, Pulse had 5 exits to the outside.

At this time we do not have a confirmed number of how many people were inside Pulse when the shooting started, but initial reports estimated 300.

Our records show occupancy at 300 people. Based on the fire department's records, Pulse's occupancy levels were generally in compliance. When firefighters conduct checks and inspections, occupancy levels are checked every time. Recent records indicate there was not a pattern of being over capacity.

Do you think additional lives could have been saved?

No. This is a tragic event, but based on our inspections we don't believe there were any life/safety issues inside the building that would prevent people from getting out of the building or rescuers from getting in.

What was found in the most recent fire inspection report?

The Fire Engineer who conducted the exit check reports there were zero life safety issues and two minor infractions.

- A fire extinguisher on the ground instead of hanging on the wall, which was immediately corrected.
- One exit sign was in need of battery for back-up power
- No obstructed exits
- No exit doors locked
- No obstructed aisles
- No improper locks on exit doors

Did this violation lead to the loss of additional lives?

No, as there were no life safety issues reported. The Pulse manager agreed to fix the minor violations immediately.

What kind of checks are done by the Fire Inspector?

There are 3 inspections done by the Orlando Fire Department

Fire Inspectors
Their duty is to inspect the entire facility. They are state certified and licensed to do so on new and existing buildings. They also verify operations and compliance with codes and standards. Fire Inspectors conduct these annually.

Company Survey
Inspections are assigned to company officers and are pre-scheduled. Similar to a pre-fire plan so that firefighters can familiarize themselves with the building. Use the same paperwork as a Fire Inspector. They augment inspections for the Fire Inspectors. A preliminary check that there are no major violations before the Fire Inspector can assess.
Example of inspection, https://ofd1885.wufoo.com/forms/mqdlfac13k8mnx/

Routine Exit Checks
Routine Exit Checks are conducted to protect the public from unnecessary dangers including locked/blocked exits and overcrowding. A check is to determine the accessibility of the exits as means of egress and other conditions, such as locking, blocking, improper marking, illuminations and other items that could affect life safety.

Exit checks occur in assembly occupancies with an occupant load of 300 or more during peak hours – 1900 - 2400. Frequency depends on the establishment's record, but they are assigned to either an inspector or company officer every four months.

What was the approved occupancy of Pulse?

Our records reflect 300 people. Based on the fire department's records, Pulse's occupancy levels were generally in compliance.

When firefighters conduct checks and inspections, occupancy levels are checked every time. Recent records indicate there was not a pattern of being over capacity.

At this time we do not have a confirmed number of how many people were inside Pulse when the shooting started, but initial reports estimated 300.

Why are there inconsistencies in the occupancy levels?

There is reference that there were discussions to increasing occupancy level but our records reflect that never occurred.

How do you track occupancy?

Owners of commercial buildings like Pulse (Assembly Occupancy) are responsible for monitoring the occupancy of their building at all times. Often establishments with uses similar to Pulse use a clicker tracking when patrons enter or exit the building.

Is the evidence that exits were blocked?

We have no indication that exits were blocked. OFD conducts regular, unscheduled "exit checks" to ensure businesses have the proper life safety measures in place. After a review of fire records, there is no pattern of exits being blocked inside Pulse, this includes the most recent inspection.

For an establishment with the size and use of Pulse, city code would require 2 exits, Pulse had 5 exits to the outside.

What about the knocked over coke machine?

We have no indication there were blocked exits at the time of the incident. There is a picture that shows what looks like a coke machine knocked over near an exterior wall. This picture was taken after the incident, leaving questions to consider like… given the location it could have been knocked over when OPD breached the wall… at which time victims had already exited the building.

The most recent exit check on May 21, 2016 did not indicate there were blocked exits. If a life safety issue is identified during a check, OFD seeks immediate correction or closes the establishment until corrective action was taken.

Did any of the unpermitted work prevent people from escaping Pulse?

Just because the work was unpermitted, doesn't mean it was done improperly. During any fire inspection, of any type, if there were are issues that would prevent ingress and egress (people getting in and out) corrective action would have been taken immediately.

Why was work done without a permit?

The City found out about the unpermitted work after it was done. Most businesses at some point are going to have a minor infraction, but when the City identifies a life safety issue, we immediately work with the business to abate the danger. This includes fixing the issue on the spot or closing the business until it can be fixed. Pulse does not have a pattern of life safety issues.

Was code enforcement notified of the violations, why not? Were you aware it was being used as a club?

To address unpermitted work, City staff were meeting directly with the owner to obtain the necessary planning and permitting approvals. The owner did not complete the necessary paperwork to obtain permits.

To our knowledge, the work done without permits did not create life safety issues or limit the ability for people to get in and out of the club. In fact, we understand, a wall was removed which would have made it easier for people to move around.

Why are there multiple floor plans?

We have produced the entire file for the Pulse nightclub, this includes draft plans that could be superseded by subsequent plan submittals.

Appendix M: Permitting Timeline

Permitting/Code Enforcement/Planning/Fire/Life-safety timeline

Sunday, June 19, 2016

1912 S. Orange Ave.
Parcel ID# 02-23-29-3828-01-040
Occupancy ID 06501

1. **1998**
    a. Lorenzo’s Restaurant
    b. PRJ1998-68793 or BLD6879301
    c. Building addition/conversion
    d. Various plans review and inspections between 3/3/98 and 5/20/99
    e. Permit expired by system procedure on 7/13/2002

2. **July 28, 1998**
    a. Code enforcement report
    b. “Parking lot trashed and overgrown”
    c. Owned by “Contella Family” of Miami
    d. Corrective action: mow, remove trash, weed-eat, edge
    e. Notice of Violation and Compliance Schedule issued

3. **October 21, 1998**
    a. Code enforcement report
    b. “Distance check 2 COP 1000 FT church/school/daycare”

4. **January 20, 1999**
    a. Code enforcement report
    b. “Distance check for a variance….”

5. **May 26, 2000**
    a. Code enforcement report
    b. “[ ]…distance check for 2COP license”

6. **October 26, 2001**
    a. Code enforcement report
    b. “Distance check”
    c. No further information

7. **April 22, 2003**
    a. Code enforcement report
    b. Description: “Commercial”
    c. Owned by “Contella Family” of Miami
    d. Corrective action: replace exterior light fixture covers, remove outdoor storage from public view, replace damaged concrete in parking lot

    e. Notice of Violation and Compliance Schedule issued

8. **April 22, 2003**
    a. Code enforcement report
    b. Description: "Lot cleaning"
    c. Owned by "Contella Family" of Miami
    d. Corrective action: edge sidewalks, etc., remove outdoor storage, remove trash/debris, weed-eat around structure and fences
    e. Notice of Violation and Compliance Schedule issued

9. **June 5, 2003**
    a. Code enforcement report
    b. Zoning (distance check)
    c. Distance check performed
    d. Owned by "Contella Family" of Miami

10. **June 6, 2003**
    a. Code enforcement report
    b. Lot cleaning violation
    c. Owned by "Contella Family" of Miami
    d. "Vacant commercial structure" with various lot cleaning violations
    e. Notice of Violation and Compliance Schedule issued

11. **July 15, 2003**
    a. CUP2003-00012
    b. (For restaurant w/ >50% of revenue derived from alcohol sales w/i 1,000' of a church)
    c. Approved by MPB on July 15, 2003
    d. Council approval on August 11, 2003

12. **November 24, 2003**
    a. PLM2003-04837
    b. Unknown plumbing work
    c. Final inspection approved on 6/30/2004
    d. Case finaled on 1/1/2005

13. **2004**
    a. BLD2004-12460
    b. Special event tent permit
    c. Unknown date

14. **January 28, 2004**
    a. BLD2003-08240
    b. 9 pages of conditions from various disciplines
    c. "There are numerous exiting problems with the floor plan submitted." All conditions subsequently "Met" before CO issued.

  d. Application received on 11/18/2003
  e. Interior and exterior alterations
  f. Temporary CO issued on 6/30/2004
  g. Conditions associated with TCO include references to DJ booth
  h. Final inspection and CO on 7/16/04
  i. Certificate of occupancy for 233

15. **February 11, 2004**
    a. PLM2009-04837
    b. Unknown plumbing work
    c. Final inspection on 6/30/2004

16. **March 30, 2004**
    a. BLD2004-02361
    b. "New roof (addition)"
    c. Final inspection on 6/29/2004

17. **April 9, 2004**
    a. ELE2004-01548
    b. "Install electricity for commercial"
    c. Final inspection on July 15, 2004

18. **April 14, 2004**
    a. ENG2004-00194
    b. Asphalt resurfacing, wheel stops, curbing, driveway and sidewalk repair
    c. Final inspection on 7/16/2004

19. **April 16, 2004**
    a. MEC2004-01104
    b. Duct work for A/C
    c. Final inspection on 6/29/2004

20. **May 2004**
    a. ABL2004-00057
    b. Application for 4COP

21. **May 12, 2004**
    a. Planning Official letter to Rosario Poma
    b. Informs Poma that 2003 CUP was for a restaurant, not a nightclub
    c. Requests that Poma apply for new CUP if Pulse converting to nightclub

22. **May 13, 2004**
    a. Poma letter to Mike Rhodes
    b. Proposes to submit plan revisions to meet various code issues including front transparency and revisions to dance floor

    c. References a stop work order and hopes to "continue with the opening"
    d. There are two versions of this letter, both signed by Rosario and dated for the same date

23. June 2004
    a. Poma submits plans revisions showing seating areas and removal of the dance floor

24. June 2, 2004
    a. BLD2004-03493
    b. Face change for one electric pylon sign (from "Dante's" to Pulse)
    c. Plan submission included floor plan
    d. No inspections, never finaled
    e. Permit expired by system operation

25. June 6, 2004
    a. Signed and sealed "architectural floor plan" in OFD file

26. June 24, 2004
    a. BLD2004-05156
    b. Install awning/canopy
    c. Final inspection on 6/28/2004

27. June 29, 2004
    a. Fire safety data entry
    b. New tenant
    c. Interior and exterior alterations
    d. No associated fire permits

28. June 30, 2004
    a. Code enforcement report
    b. "Zoning final"

29. June 30, 2004
    a. Poma receives DBPR license for "permanent food service" with seating

30. July 2004
    a. CO and local business license issued for a "restaurant"

31. July 20, 2004
    a. Rosario Poma letter to Tim Johnson
    b. References letter from Robert Cramer regarding use of his property for parking
    c. References June 14 meeting between Rosario, Tim Johnson, and "Mr. Levi" (possibly Richard Levey)
    d. Reference to CE issue with parking on Cramer's property

32. **October 22, 2004**
    a. OFD Open Violations
    b. Will need to post occupant load signage for latest layout of club

33. **October 23, 2004**
    a. OFD Fire inspection report
    b. Walk thru exit check
    c. Requests detail drawings of layout to determine occupant load

34. **December 7, 2004**
    a. Building permit issued
    b. Tent for Christmas party

35. **December 10, 2004**
    a. Fire inspection report
    b. “Unable to inspect, tent not set up where indicated on plans.”

36. **2005**
    a. BLD2005-14258
    b. Special event tent permit
    c. Unknown date

37. **January 19, 2005**
    a. OFD Fire inspection report
    b. Met with management to review layout and develop occupant load

38. **February 7, 2005**
    a. Fire inspector letter to Pulse
    b. Re occupant load set at 299

39. **April 9, 2005**
    a. Exit check
    b. No violations

40. **June 3, 2005**
    a. Company survey exit check
    b. No violations noted

41. **July 28, 2005**
    a. Exit check
    b. No violations

42. **September 24, 2005**
    a. Exit check
    b. No violations

43. **November 10, 2005**
    a. Company survey
    b. No apparent violations
    c. Noted that building is not sprinkled

44. **December 16, 2005**
    a. Exit check
    b. No deficiencies; no remarks

45. **2006**
    a. BLD2006-05292
    b. Special event tent permit
    c. Unknown date

46. **January 13, 2006**
    a. Exit check
    b. Remarks: “no violations”

47. **March 23, 2006**
    a. Exit check
    b. All deficiency boxes ticked (probably intended as “ok”; not violations)
    c. Remarks: “280 capacity – 299 per manager”

48. **May 19, 2006**
    a. Exit check
    b. No violations

49. **November 11, 2006**
    a. Exit check
    b. No deficiencies; no remarks

50. **November 22, 2006**
    a. Company survey initial inspection
    b. Remarks: “3 attempts made no answer on premises or on phone”

51. **January 24, 2007**
    a. OFD company survey F/U inspection
    b. Emergency sign(s) inoperable
    c. Occupant load 299
    d. Remarks: “Repair/replace emg. light…install 2 fire ext”

52. **March 17, 2007**
    a. Exit check
    b. “No violations noted”

53. May 4, 2007
  a. OFD email to OFD Tom Blaha
  b. OPD reports that Pulse 'is frequently overcrowded'
  c. On-street parking making fire truck access 'doubtful'
  d. 'Wed. and Sat. are busiest times.'

54. May 17, 2007
  a. Company survey exit check
  b. No deficiencies
  c. Remarks: "Must maintain occupant load at all times"

55. July 30, 2007
  a. Letter from Fire Marshal to Pulse
  b. Asking for access to do fire inspection
  c. Handwritten note "this was an exit check"

56. September 2007
  a. Applicant adds ATM and 100 square foot dance floor to business license after being cited by Code Enfrocement
  b. BUS0004986-003
  c. Application has date of July 1, 2004

57. October 8, 2007
  a. Exit check
  b. No deficiencies
  c. "Occ load 299 posted"

58. November 19, 2007
  a. Company survey
  b. "Comp survey initial inspection
  c. Remarks: "breaker panel needs a blank…move extinguisher to more visible area"

59. November 24, 2011
  a. Exit check
  b. No deficiencies; no remarks

60. January 24, 2008
  a. Letter from Fire Marshal to Pulse
  b. 3 years since last occupancy evaluation
  c. 'I've instructed fire inspectors to re-evaluate all nightclubs in the city."

61. March 26, 2008
  a. OFD special project report
  b. "Rec'd (or rev'd) floor plans…occ load 299"

62. April 7, 2008

  a. Case #BUS0004986-003
  b. Business Tax Declaration
  c. 5,000 sq. ft. restaurant
  d. 100 sq. ft. dance hall

63. April 7, 2008

  a. Code enforcement report
  b. Complaint: “Pulse nightclub has added a new patio & awning without permits”
  c. CE response: “A permit was pulled back in 2004 for the canopy/awning….”
  d. Burton email of June 24, 2010 reports that this CE action was “unresolved, yet case closed”

64. April 18, 2008

  a. Exit check
  b. No deficiencies
  c. Remarks: “Walk thru…no problems at this time”

65. June 5, 2008

  a. Exit check
  b. Deficiencies: “Occupant load not posted” and “Occupants in excess of posted limit”
  c. Remarks: “Must maintain occ load that is posted [at] all times. Must post occ load sign at all times.”

66. June 5, 2008

  a. OFD “Open Violations”
  b. “As per incident report…must maintain capacity occupant load at all times…occupant load sign must be posted at all times”

67. June 7, 2008

  a. Company exit check
  b. No deficiencies
  c. Remarks: “Walk thru exit check 11:30pm 144 1:20am 276”

68. August 15, 2008

  a. Exit check
  b. No deficiencies
  c. Remarks: “Walk thru”

69. September 17, 2008

  a. OFD “Open Violations”
  b. “Occupants must maintain count of all patrons in as well as those who exit. Clicker must be used by front desk to ensure accurate patron count.”

70. **September 26, 2008**
    a. Exit check
    b. No deficiencies
    c. Remarks: “Occupants must maintain count of all patrons in as well as those who exit. Clicker must [be] used by front desk cashier to ensure accurate patronage count.”

71. **November 15, 2008**
    a. Exit check
    b. No deficiencies; no remarks

72. **November 21, 2008**
    a. Exit check
    b. No deficiencies
    c. Remarks: “OCC. 100 no violations at this time”

73. **December 8, 2008**
    a. “Full fire inspection”
    b. No violations
    c. Remarks: “N/C 11/24 – Walk thru inspection:

74. **January 27, 2009**
    a. Exit check
    b. No deficiencies; no remarks

75. **February 4, 2009**
    a. Exit check
    b. No deficiencies
    c. Remarks: “Walk thru – No violations at this time…pictures taken”
    d. Picture shows occupancy sign of 299

76. **February 18, 2009**
    a. Company survey
    b. “Company exit check”
    c. Remarks: “No problems”

77. **March 6, 2009**
    a. Exit check
    b. No deficiencies; no remarks

78. **April 6, 2009**
    a. Case #BUS0004986-003
    b. Business Tax Declaration
    c. 5,000 sq. ft. restaurant
    d. 100 sq. ft. dance hall

79. **April 8, 2009**
    a. Pulse letter to Fire Marshal re occupant load
    b. Asks for more time to install new fire alarm system
    c. References occupant load increasing from 299 to 430

80. **April 20, 2009**
    a. Fire Marshal letter to Pulse re occupant load
    b. Occupant Load Evaluation
    c. Set at 430

81. **May 26, 2009**
    a. Occupancy calculation
    b. Set at 360

82. **May 30, 2009**
    a. Exit check
    b. Deficiencies: “Emergency/Exit Lights Inoperable” and “Exit Doors Locked”
    c. Remarks: “Maintain accurate count at front door on hand held clicker. Make sure all exits unlocked, and repair exit light emptying onto porch.”

83. **June 1, 2010**
    a. Letter from “MilleniuM” Fire & Security to Fire Marshal
    b. Notification of monitoring cancellation by Pulse and that the interior and alarm system had been altered/removed

84. **June 12, 2009**
    a. Exit check
    b. “No problems”

85. **July 25, 2009**
    a. Exit check
    b. No deficiencies; no remarks

86. **August 14, 2009**
    a. Exit check
    b. No deficiencies
    c. Remarks: “Fire alarm and sprinkler system info”

87. **August 25, 2009**
    a. Letter (faxed) from Pulse to Fire Marshal re quote for “audible and visible fire system with and voice evac system…”

88. **September 8, 2009**
    a. Proposal to Pulse from “MillenniuM” (sic) Fire & security

89. **September 24, 2009**
    a. ELE2009-03616 & FIR2009-01036 & ELE2009-04009
    b. Install voice evac fire alarm with remote monitoring
    c. Case finaled by system procedure on 6/1/2010

90. **October 3, 2009**
    a. Exit check
    b. “No problems”

91. **October 16, 2009**
    a. Exit check
    b. No deficiencies; no remarks

92. **October 27, 2009**
    a. ELE2009-04009
    b. (Unknown electrical work)
    c. Case finaled by system procedure on 6/1/2010

93. **November 13, 2009**
    a. Exit check
    b. No deficiencies; no remarks

94. **November 25, 2009**
    a. Company survey
    b. “Unable to contact”

95. **December 24, 2009**
    a. False fire alarm incident report
    b. Pull station activation
    c. Notes crowded conditions w/ no accurate occupancy count

96. **December 26, 2009**
    a. False fire alarm incident report
    b. Smoke detector alarm caused by smoke machine

97. **December 28, 2009**
    a. Letter from Fire Marshal to Pulse re two false alarms
    b. One reported 12/24/09 and other on 12/26/09

98. **2010**
    a. CUP application for nightclub in AC-N/T (Indoor Recreation)
    b. Noted issues stemming from prior CUP
        i. Floor plan from 2003 CUP is inconsistent with floor plan submitted with FIR2009-01036

    ii. Since 2004, occupancy of space appears to have changed. Approved occupancy was 233 and is now (in 2010) 300. No permit for the change in occupancy.
    iii. Unpermitted interior and exterior work
        1. White privacy fence in front
        2. Removal of three parking spaces for outdoor seating
        3. Black canopy/awning on eastern façade is unpermitted
        4. Deck/patio on eastern façade is unpermitted
        5. Pylon sign permit was not finaled
        6. Privacy fence blocks minimum required transparency
        7. BTR is for restaurant w/ small dance floor

99. January 22, 2010

  a. Exit check
  b. References occupancy at 430
  c. No deficiencies
  d. Remarks: “Must maintain accurate occupancy count at all times, utilizing hand held clickers”

100. January 22, 2010

  a. OFD – “Open Violation”
  b. “Provide signs for maximum occupant load”
  c. Sec. 24.24(b)(1)
  d. Comment – “Must maintain accurate occupancy count at all times, utilizing handheld clickers”

101. January 24, 2010

  a. False fire alarm incident report
  b. “Unknown why alarm sounded”

102. January 24, 2010

  a. Open violation
  b. False fire alarm

103. January 28, 2010

  a. Letter to Pulse from Fire Marshal re third false fire alarm

104. February 9, 2010

  a. False fire alarm incident report
  b. Smoke from work to marble bar triggered alarm

105. February 9, 2010

  a. False fire alarm report
  b. No apparent cause

106. February 9, 2010

a. Open violations
b. False fire alarm
c. Reference "fake smoke"

107. February 10, 2010

a. Exit check
b. No deficiencies
c. Remarks: "No violations"

108. February 10, 2010

a. BLD2010-00569
b. "Minor interior work that is not visual – rotten wood and repairing roof leak."
c. Case finaled by system procedure on 2/1/2011

109. February 19, 2010

a. Invoice false fire alarm #4, 5

110. February 21, 2010

a. False fire alarm report
b. "Club manager stated that one of his employee failed to place the fire alarm system on test while using fake smoke in the club."

111. February 24, 2010

a. Code enforcement report
b. Complaint: "Pulse Bar – no permit per caller"
c. CE response: "they have CUP2003-00012 and ABL2004-00057"

112. February 25, 2010

a. Invoice false fire alarm #6

113. March 8, 2010

a. Code enforcement report
b. Complaint: "building and installing new bar without permit"
c. CE response: "this person complains about this property [every] week. [They] have permits."

114. March 10, 2010

a. False fire alarm incident report
b. Set off by smoke machine

115. March 10, 2010

a. OFD – "Open Violation"
b. False fire alarms ("7 or more")

116. March 13, 2010

a. Exit check
b. No deficiencies; no remarks

117. March 16, 2010
a. Invoice for false fire alarm #7

118. April 8, 2010
a. False fire alarm incident report
b. “alarm panel showed pull station at front entry”

119. April 8, 2010
a. Open violations report
b. False fire alarm 7 or more
c. Reference smoke machine

120. April 13, 2010
a. Case #BUS0004986-003
b. Business Tax Declaration
c. 5,000 sq. ft. restaurant
d. 100 sq. ft. dance hall

121. April 19, 2010
a. Invoice for false fire alarm #8

122. April 23, 2010
a. False fire alarm incident report
b. False alarm stemming from dance floor smoke machine

123. April 24, 2010
a. Exit check
b. No deficiencies
c. Remarks: “Change in floor plans re-evaluate occ. load alarm system on test”

124. April 30, 2010
a. OFD “Insp – exit check F/U inspection”
b. Remarks: “Install sprinkler system…Temp occ. Load to 300 per Fire Marshal”

125. April 30, 2010
a. OFD – “Open Violations”
b. Relating to a building permit
c. Work must conform to NFPA 101, Life Safety Code

126. April 30, 2010
a. OFD – “Open Violations”
b. Description – “Occ. Load Posting”

c. Citing to sec. 24.24(b)(1)
d. Must post occupant load sign…"it shall be unlawful to remove or deface such notice"
e. Comments – "Occupant load set @ 300 persons per Fire Marshal as of 4/30/2010" "Until sprinkler system is installed"

127. **April 30, 2010**
a. OFD – "Open Violations"
b. Description – "Suppression system required"
c. Citing sec. 24.27
d. "Sprinkler system required…."

128. **April 30, 2010**
a. OFD – inspection report
b. "Activities: INSP – Exit Check F/U Inspection
c. Remarks: "Install sprinkler system" "Temp occ. Load to 300 per Fire Marshal"

129. **May 12, 2010**
a. OFD "INSP – Customer Consultation"
b. List of violations re occupant load, suppression system needed, false fire alarms, occupant load diagram; etc.
c. Reference to 300 occupancy load

130. **May 12, 2010**
a. OFD Open violations
b. Description: "occupant load-diagram"
c. 'AHJ may require approved diagram to substantiate increase in occupant load"

131. **May 12, 2010**
a. OFD open vioaltions
b. Description: "see below"
c. "Per Tim Johnson no new plans required at this time (per prop mgr after meeting with tim Johnson)

132. **May 14, 2010**
a. Fire Marshal letter to Juan Miller of Pulse
b. References May 26, 2009 occupancy evaluation
c. 2009 evaluation resulted in 360 occupancy

133. **May 14, 2010**
a. Maximum occupant load sign "Total – 360"
b. [Undated signs for 300]

134. **May 22, 2010**
a. Exit check
b. Remarks: "No noted violations"

135. May 28, 2010

a. Invoice false fire alarm #9

136. June 1, 2010

a. Parcel tag
b. FM determination (warning)
c. "This building may require the addition of a fire protection sprinkler system and additional means of egress. Verify scope of work on any new permits to determine whether these additional life safety features are to be included."

137. June 1, 2010

a. Parcel tag
b. BO determination (warning)
c. "Any new work will need to include all changes made to the interior and exterior of the business – changes have been made to the plumbing, walls have been removed, and the bar has been relocated. Also the deck at the front with plumbing is new and unpermitted work."

138. June 10, 2010

a. Exit check
b. No deficiencies; no remarks

139. June 21, 2010

a. Code enforcement report
b. Anonymous complaint that nightclub was violating zoning code
c. Complaint references CUP2003-00012 and distance separation from church
d. "[ ] received…approval from the City to open as a nightclub in 2003."

140. June 24, 2010

a. Jason Burton email to Dean Grandin
b. Email describes permitting/code history
c. Email principally concerned with nightclub use under 2003 CUP for a restaurant

141. July 9, 2010

a. Handwritten meeting notes
b. Meeting between Tom Blaha and unknown author
c. Blaha indicates that current occupancy is 300 and that such occupancy requires alarm and sprinkler system
d. "Now 2 DJ booths"
e. No kitchen for food service
f. No tables and chairs as is typical with restaurant
g. Overview of permitting history
h. Various questions raised about permitting/life safety/planning requirements

142. **July 16, 2010**
  a. Email from Doug Gaines to Lillian Scott reporting no open CE issues at Pulse

143. **July 19, 2010**
  a. Memorandum from Lillian Scott to Brooke Bonnett
  b. Approx. 17 page report (including photos) "of the permit history, CUP conditions and unpermitted work at 1912 S. Orange Avenue."

144. **July 28, 2010**
  a. Lillian Scott sends to Brooke Bonnett a draft email to Rosario Poma regarding the 2003 CUP and certain "exterior improvements"

145. **August 6, 2010**
  a. Handwritten notes from "discussion w/ Rosario"
  b. Unknown author
  c. "Has hired additional police security"
  d. Been "in business for 6 years & done a great deal of improvements"

146. **August 21, 2010**
  a. Exit check
  b. Remarks: "Walk thru…no violations at this time"

147. **October 1, 2010**
  a. Exit check
  b. Remarks: "No noted violations"

148. **October 8, 2010**
  a. Exit check
  b. Remarks: "No violation"

149. **October 14, 2010**
  a. Email from Lillian Scott to Tim Johnson indicating that Poma is about to pull permits for exterior work originally done without permits

150. **November 26, 2010**
  a. Exit check
  b. No deficiencies; no remarks

151. **January 26, 2011**
  a. Exit check
  b. Remarks: "No noted violations"

152. **February 1, 2011**
  a. Invoice for false fire alarm #10

153. February 2, 2011

a. Company survey
b. “Company exit check”
c. Remarks: “no violations”

154. March 26, 2011

a. Company survey
b. “Company exit check”
c. Remarks: “Exit check only no violations”

155. April 7, 2011

a. Invoice false fire alarm #11

156. April 30, 2011

a. Exit check
b. No deficiencies
c. Remarks: “Walk thru”

157. May 20, 2011

a. Exit check
b. “No noted violations”

158. May 31, 2011

a. Invoice for false fire alarm #12

159. June 11, 2011

a. Exit check
b. No deficiencies; no violations

160. July 8, 2011

a. Invoice for false fire alarm #13

161. July 9, 2011

a. Exit check
b. Deficiency – “Obstructed exit or exitway”
c. Remarks: “2 north side exits blocked with tables & liquor bottles.” Exits cleared while OFD on premise. Warned mgmt [management] of need to keep exits clear in future.”

162. July 28, 2011

a. OFD “Fire hazard initial inspection”
b. Remarks: “Service alarm system last 6/10…alarm system to be back online (monitoring) by 5:00pm or will not be able to open (per Fire Marshal)”

163. August 10, 2011

a. Invoice for false fire alarm #14

164. August 12, 2011

a. Exit check
b. Remarks: "Walk thru"

165. September 17, 2011

a. Exit check
b. Remarks: "No noted violations"

166. September 30, 2011

a. Exit check
b. No deficiencies; no remarks

167. November 1, 2011

a. Company survey
b. No violations; no remarks

168. November 18, 2011

a. Exit check
b. Notes inconsistency with occupancy figures
c. 430 for "bar"/ 300 for temp club
d. "430 not sure what this is"
e. "300 posted front entrance"
f. "Fire alarm in trouble/silence"
g. "By-pass – fog machine"
h. Remarks: "Monthly exit check/walk thru" "mount fire extinguisher" "block bar [unclear]"

169. November 21, 2011

a. Code enforcement report
b. Anonymous noise complaint
c. Follow-up night inspection performed on 3/2/2012
d. "No noise, unfounded."

170. December 1, 2011

a. OFD Company survey
b. No violations
c. Remarks: "Alarm panel in trouble mode"

171. December 16, 2011

a. Exit check
b. No deficiencies; no remarks

172. December 28, 2011

a. Code enforcement report

  b. “Noise ordinance inspection”

173. **January 4 (or 9), 2012**
  a. Company inspection
  b. Fire alarm noted “8/11”
  c. Remarks: “Alarm in trouble mode service alarm system ASAP”

174. **January 9, 2012**
  a. OFD
  b. Occupancy load evaluation”
  c. Remarks: “N/C 1-9 No change in floor plan occ load posted”

175. **February 11, 2012**
  a. Exit check
  b. Remarks: “Keep outside gate unlocked at rear alley”

176. **February 15, 2012**
  a. Code Enforcement report
  b. Courtesy check for NBA All Star Weekend
  c. “Pulse night club is not having any events….”

177. **May 10, 2012**
  a. Exit check
  b. “No violations”

178. **July 27, 2012**
  a. Exit check
  b. No deficiencies
  c. Remarks: “walk thru”

179. **November 16, 2012**
  a. Exit check
  b. No deficiencies
  c. Remarks: “Closed at this time of day time exit ok” (sic)

180. **December 17, 2012**
  a. Company survey (full fire inspection)
  b. No violations
  c. Remarks: “Walk thru no violations at this time”

181. **January 14, 2013**
  a. Company survey (fire inspection)
  b. No violations
  c. “no change in floor plans”

182. **January 30, 2013**

a. Exit check
b. No deficiencies
c. "No noted violations"

183. **March 22, 2013**

a. Exit check
b. "Service alarm system"
c. Remarks: "Walk through complete"

184. **May 8, 2013**

a. Parcel tag
b. Violation – work without permit
c. "Installing storefront glazing and door system without permits. Previous tenant left hazardous conditions by removing plumbing and not capping off plumbing properly. Need a plumbing permit and electrical permit. [A]ll equipment was removed and interior finishes from this space."

185. **July 20, 2013**

a. OFD Open Violation
b. "Manager on duty signed for notice concerning use of sparkler within club/lounges

186. **July 20, 2013**

a. Exit check
b. "Monthly exit check"
c. Occupant load signage – 300
d. Deficiency noted for "Fire panel in trouble/silence mode please have serviced next [week]"
e. Remarks: "Issued notice concerning open flames – use of champagne sparkler bottled is prohibited per Orlando City Fire Codes"

187. **September 12, 2013**

a. Exit check
b. No deficiencies; no remarks

188. **September 20, 2013**

a. Exit check
b. No deficiencies; no remarks

189. **October 10, 2013**

a. Fire inspection
b. Fire Alarm box ticked with 3/2013 handwritten next to box
c. "Remarks: Service fire alarm system – trouble mode

190. **October 30, 2013**

a. Fire inspection
b. Fire Alarm box ticked with 3/2013 and 8/13 handwritten next to box
c. “Remarks: Fire alarm system – trouble mode (under new proposal)

191. **November 20, 2013**
a. Exit check
b. Deficiency noted “F/A system 3/13”
c. Remarks: “F/A system – trouble mode”

192. **January 6, 2014**
a. Exit check
b. No deficiencies noted
c. “Remarks: keep rear plastic gate unlocked”

193. **January 15, 2014**
a. Fire inspection
b. No infractions noted
c. “Remarks: no changes in floor plans”

194. **May 17, 2014**
a. Exit check
b. “No violations”

195. **January 29, 2015**
a. Exit check
b. “No noted violations”

196. **January 30, 2015**
a. Fire inspection
b. “Fire Alarm” box ticked with 3/13 and 9/14 handwritten next to box
c. Remarks:
    i. Fire alarm test and inspection needed
    ii. Fire alarm system in trouble mode – service needed
    iii. Means of egress
    iv. Extension cords

197. **February 13, 2015**
a. “Fire inspection report”
b. Today’s inspection results:
    i. Provide fire watch
    ii. Provide fire watch log
    iii. Note: tested F/A system – call from dispatch (pager)

198. **March 11, 2015**
a. Fire inspection

b. Occupant load “300”
c. No infractions noted
d. “Today’s visit completes occupant load eval. [evaluation] ‘Photo’s (sic) taking (sic) during visit.’ Also signed off few open issues during visit.” (sic)

199. **April 26, 2015**
a. Parcel tag
b. Zoning – information tag
c. “Zoning official review required for development. The zoning and future land use categories on this property are inconsistent.”

200. **May 15, 2015**
a. Exit check
b. “No violations”

201. **September 25, 2015**
a. Exit check
b. No infractions

202. **November 17, 2015**
a. Fire inspection (attempted)
b. No contact with customer

203. **January 28, 2016**
a. Fire inspection
b. No infractions noted
c. “No changes in floor plans”

204. **January 30, 2016**
a. Exit check
b. No deficiencies
c. “Keep an accurate count on occupancy”

205. **May 21, 2016**
a. Exit check
b. FSM
c. Officer Manny Citron
d. “Exit Door or Hardware Inoperable”
e. Fire extinguisher not hanging

Exempt or confidential records

Sec. 119.071(3)(b)1., F.S., exempts building plans of government buildings.
Sec. 119.071(3)(c)1., F.S., exempts building plans for theme parks and very large entertainment, office, shopping, and industrial complexes.
Sec. 119.071(3)(a), F.S., exempts security system plans, to include emergency evacuation plans. Applies to private and public buildings. Is confidential and exempt. Video surveillance recordings are exempt because they disclose security capabilities. *Central Florida Regional Transportation Authority v. Post-Newsweek Stations, Orlando, Inc*., 157 So.3d 401 (Fla. 5th DCA 2015).

Secs. 281.301 and 119.071(3)(a), F.S., prohibit public disclosure of the name and address of applicants for security permits, or persons cited for violations of alarm ordinances, and of persons subject of law enforcement dispatch reports for verified or false alarms. *Critical Intervention Services, Inc. v. City of Clearwater*, 908 So.2d 1195 (Fla. 2d DCA 2005); *accord* AGO 04-28.

Abbreviations

BO = Building Official
BTR = Business Tax Receipt
CE = Code Enforcement
F/A = Fire alarm
FM = Fire Marshal
FSM = Fire Safety Management Division
F/U Inspection = ??
IC = In Compliance
NFPA = National Fire Protection Association
NIC = Not In Compliance
OFD = Orlando Fire Department
TCO = Temporary Certificate of Occupancy

Appendix N: PULSE Property City Appraisals

APPRAISAL REPORT

OF

PULSE NIGHTCLUB

CONSISTING OF A
4,499± GROSS LEASABLE SQUARE FOOT
BAR/NIGHTCLUB, SITUATED ON A
15,429 GROSS SQUARE FOOT SITE

LOCATED AT

THE NORTHWEST CORNER OF S. ORANGE AVENUE
AND W. ESTHER STREET,
WITHIN ORLANDO,
ORANGE COUNTY, FLORIDA 32806

FOR

MS. LAURIE BOTTS-WRIGHT, MPA, REAL ESTATE MANAGER
CITY OF ORLANDO, REAL ESTATE MANAGEMENT
400 SOUTH ORANGE AVENUE, 4TH FLOOR
ORLANDO, FLORIDA 32801

RETROSPECTIVE DATE OF VALUATION – JUNE 1, 2016
DATE OF REPORT – NOVEMBER 7, 2016

CRM FILE NO.: 16-241

PREPARED BY:

PAUL M. ROPER, MAI, SRA
STATE-CERTIFIED GENERAL REAL ESTATE APPRAISER
LICENSE NUMBER: RZ 141

CITY OF ORLANDO
CERTIFICATE OF VALUE

Road: W. Esther St. & S. Orange Avenue
County: Orange
Parcel No.: 02-23-29-3828-01-040
Rights Acquired/Valued: Fee Simple

I certify to the best of my knowledge and belief, that:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusion are limited only by the reported assumptions and limiting conditions and are my personal, unbiased, professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property or bias with respect to the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
4. I have performed no real estate services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. My compensation is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
6. My analyses, opinions, or conclusions were developed and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice, and the provisions of Chapter 475, Part II, Florida Statutes.
7. I have made a personal inspection of the property that is the subject of this report and I have afforded the property owner the opportunity to accompany me at the time of the inspection. I have also made a personal field inspection of the comparable sales relied upon in making this appraisal. The subject and the comparable sales relied upon in making this appraisal were as represented by the photographs contained in this appraisal.
8. No persons other than those named herein provided significant real property appraisal assistance to the person signing this certification. Joseph W. Machovina, State-Registered Trainee Appraiser RI 23550, provided professional assistance in the functions of data research, analysis, report writing, preparation of exhibits, and preparation of this Appraisal Report, but the conclusions are strictly my own.
9. I, the supervisory appraiser of a registered appraiser trainee who contributed to the development or communication of this appraisal, hereby accept full and complete responsibility for any work performed by the registered appraiser trainee named in this report as if it were my own work.
10. I understand that this appraisal is to be used in connection with the potential acquisition of the subject parcel by the City of Orlando-Real Estate Management Department.
11. This appraisal has been made in conformity with the appropriate State laws, regulations, policies and procedures applicable to appraisal of right-of-way for transportation purposes; and, to the best of my knowledge, no portion of the property value entered on this certificate consists of items which are non-compensable under the established law of the State of Florida.
12. I have not revealed the findings or results of this appraisal to anyone other than the proper officials of the City of Orlando Real Estate Management Department, and I will not do so until so authorized by officials of the City of Orlando-Real Estate Management Department until I am required by due process of law, or until I am released from this obligation by having publicly testified as to such findings.
13. Regardless of any stated limiting condition or assumption, I acknowledge that this appraisal report and all maps, data, summaries, charts and other exhibits collected or prepared under this agreement shall become the property of the City of Orlando-Real Estate Management Department without restriction or limitation on their use.
14. Statements supplemental to this certification required by membership or candidacy in a professional appraisal organization are described on an Addendum to this certificate and, by reference, are made a part hereof.

Based upon my independent appraisal and the exercise of my professional judgment, my opinion of the market value of the property appraised, subject to the ***Extraordinary Assumption*** described in this report, as of the 1st day of June 2016 was $1,680,000.

November 7, 2016
DATE

Paul Roper

Paul M. Roper, MAI, SRA
State-Certified General Real Estate Appraiser
License Number: RZ 141

ADDENDUM TO CERTIFICATE OF VALUE

APPRAISER: Paul M. Roper, MAI, SRA
State-Certified General Real Estate Appraiser
License Number: RZ 141

COUNTY/CITY: Orange / City of Orlando

PROPERTY: 4,499 Gross Leasable Square Foot Bar/Nightclub, Known as the Pulse Nightclub, Situated at the Northwest Corner of S. Orange Avenue and W. Esther Street, Within the Municipal Limits of the City of Orlando, Orange County, Florida

This is an Appraisal Report which is intended to comply with the reporting requirements set forth in the Uniform Standards of Professional Appraisal Practice for an Appraisal Report. As such, it presents only summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Additional supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's office and files.

As of the date of this report, I, Paul M. Roper, MAI, SRA, have completed the requirements of the continuing education programs of The Appraisal Institute and the State of Florida.

COMPETENCY PROVISION

This appraisal assignment is being performed for the purpose of estimating the market value of the fee simple interest in the subject property being appraised. The appraiser is in compliance with the Competency Provision and has the knowledge and expertise necessary to complete the assignment competently. The appraiser has appraised similar properties in this area within the past several years.

SIGNED: Paul Roper DATED: November 7, 2016

Paul M. Roper, MAI, SRA
State-Certified General Real Estate Appraiser
License Number: RZ 141
[Renews 11/30/2016]

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State-Certified General Appraiser RZ 141

STEVEN L. MARSHALL, MAI, SRA, AI-GRS
State-Certified General Appraiser RZ 155

November 7, 2016

Ms. Laurie Botts-Wright, MPA, Real Estate Manager
City of Orlando, Real Estate Management
400 South Orange Avenue, 4th floor
Orlando, Florida 32801

Re: 4,499 Gross Leasable Square Foot Bar/Nightclub, Known as the Pulse Nightclub, Located at the Northwest Corner of S. Orange Avenue and W. Esther Street, Within the Municipal Limits of the City of Orlando, Orange County, Florida

Dear Ms. Botts-Wright:

As requested, we have conducted the necessary analyses and incidental inspections of the above-referenced property in order to prepare an appraisal thereof. The subject property can be described as a mostly rectangular shaped parcel of land situated at the northwest corner of S. Orange Avenue and W. Esther Street, within the municipal limits of the City of Orlando, Orange County, Florida. The subject property is comprised of approximately 15,429 gross square feet of land area, subject to survey. As of our retrospective date of value, June 1, 2016, the subject property was improved with a 4,499 gross leasable square foot bar/nightclub operating as the Pulse Nightclub.

The subject property is more specifically described by both legal and narrative descriptions within the text of the accompanying Appraisal Report, which will follow this letter of transmittal. The effective date of this appraisal report is June 1, 2016. This is a ***Retrospective Date of Value***. As such, this report does not address or account for any events occurring after June 1, 2016.

The appraisal has been prepared subject to the following ***Extraordinary Assumption:***

We were unable to inspect the interior of the subject property as of the date of value or subsequent to the date of value. We have, therefore, assumed the interior of the property to be in good working order and in good condition and that the interior improvements are as discussed herein.

.

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The Appraisal Institute maintains a voluntary continuing education program for its members. As of the date of this report, the undersigned MAI, SRA has completed the requirements of the continuing education program of The Appraisal Institute. We do not authorize the out of context quoting from or partial reprinting of this appraisal report. Further, neither all nor any part of this appraisal shall be disseminated to the general public by the use of media for public communication without the prior written consent of the appraiser signing this appraisal report. The appraiser has not performed any prior appraisal or service regarding the subject of this appraisal prior to accepting this assignment

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives and to the requirements of the State of Florida relating to review by its Real Estate Appraisal Board. This is a certified appraisal as defined in the provisions of Part II, Chapter 475.610, Florida Statutes.

Respectfully submitted,

CLAYTON, ROPER & MARSHALL

Paul Roper

Paul M. Roper, MAI, SRA
State-Certified General Real Estate Appraiser
License Number: RZ 141

PMR/JWM/sas

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- DEFINITIONS
- LAST INSTRUMENT OF CONVEYANCE
- QUALIFICATIONS OF APPRAISER

115 QUALIFYING AND LIMITING CONDITIONS

GENERAL ASSUMPTIONS - PUBLIC

1. The legal description used in this report(s) is assumed to be correct.

2. No survey of the property has been made by the appraiser and no responsibility is assumed in connection with such matters. Sketches in this report are included only to assist the reader in visualizing the property.

3. No responsibility is assumed for matters of legal nature affecting title to the property/properties nor is an opinion of title rendered. The title is assumed to be good and merchantable.

4. Information and data furnished by others is usually assumed to be true, correct and reliable. When such information and data appears to be dubious and when it is critical to the appraisal, a reasonable effort has been made to verify all such information; however, no responsibility for its accuracy is assumed by the appraiser.

5. All mortgages, liens, encumbrances, leases and servitudes have been disregarded unless so specified within the report(s). The property is appraised as though under responsible ownership and competent management.

6. It is assumed that there are no hidden or unapparent conditions of the property/properties, subsoil or structures which would render it more or less valuable. No responsibility is assumed for such conditions or for engineering which may be required to discover them.

7. It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless noncompliance is stated, defined and considered in the appraisal report(s).

8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless nonconformity has been stated, defined and considered in the appraisal report(s).

9. It is assumed that all required licenses, consents or other legislative or administrative authority from any local, state or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report(s) is based.

10. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted within the report.

GENERAL LIMITING CONDITIONS - PUBLIC

1. Possession of the report(s), or copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event only with proper written qualifications and only in its entirety.

2. The distribution of the total valuation in this report(s) between land and improvements applies only under the reported highest and best use of the property. The allocations of value for land and improvements must not be used in conjunction with any other appraisal and are invalid if so used.

3. No environmental impact studies were either requested or made in conjunction with this appraisal(s), and the appraiser hereby reserves the right to alter, amend, revise, or rescind any of the value opinions based upon any subsequent environmental impact studies, research or investigation.

4. Neither all nor any part of the contents of this report, or copy thereof, shall be conveyed to the public through advertising, public relations, news, sales or any other media without written consent and approval of the appraiser. Nor shall the appraiser, firm or professional organization of which the appraiser is a member of, be identified without written consent of the appraiser.

5. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

6. Acceptance of and/or use of this appraisal report constitutes acceptance of the foregoing General Assumptions and General Limiting Conditions.

120 SUMMARY OF SALIENT FACTS AND CONCLUSIONS

PROPERTY OWNER	Rosario Poma 1912 South Orange, LLC 5728 Major Boulevard, Suite 550 Orlando, Florida 32819-7974
SUBJECT LOCATION	The subject property is located at the northwest corner of S. Orange Avenue and W. Esther Street, within the municipal limits of the City of Orlando, Orange County, Florida.
EFFECTIVE DATE OF THE APPRAISAL	June 1, 2016, ***Retrospective Date of Value***
DATE OF APPRAISAL REPORT	November 7, 2016
TYPE OF PROPERTY	Bar/Nightclub
IMPROVEMENT DESCRIPTION	As of the date of value, June 1, 2016, the subject was improved with a 4,499 gross leasable square foot bar and nightclub operating as the Pulse Nightclub. The improvements were originally constructed in 1957 and have been renovated and remodeled multiple times over the years. The most recent major renovation was reportedly completed in 2006, when the property was converted to its current use as a nightclub and bar. Per the ***Extraordinary Assumption*** used in this report, we have assumed the interior to have been in good condition and in good working order for continued use as a bar and nightclub. For the record, Paul M. Roper, MAI had been in the nightclub during the 1st quarter of 2016, a few months prior to the effective date of this appraisal.
HIGHEST AND BEST USE (AS VACANT)	Mixed Use Development
HIGHEST AND BEST USE (AS IMPROVED)	Continued use as a bar/nightclub
PROPERTY INSPECTION	The subject exterior was inspected on October 25, 2016.
PROFESSIONAL ASSISTANCE	Joseph W. Machovina State-Registered Trainee Appraiser RI 23550
APPROXIMATE PROPERTY SIZE:	15,429 Gross Square Feet
RECONCILED MARKET VALUE	As of June 1, 2016, **Retrospective Date of Value**
Improved Value:	$1,680,000
Land Value:	$45.00 per square foot $700,0000

130 TYPE OF APPRAISAL AND REPORT FORMAT

This is an Appraisal Report which is intended to comply with the reporting requirements set forth in the Uniform Standards of Professional Appraisal Practice for an Appraisal Report. As such, it presents only summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Additional supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's office or the file.

140 PURPOSE, INTENDED USE, INTENDED USER OF THE APPRAISAL

The purpose of the appraisal is to estimate market value. The intended use of this appraisal is for the City of Orlando to use for internal decision making.

150 DEFINITION OF MARKET VALUE[1]

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and passing of title from the seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;
- Both parties are well informed or well advised and each acting in what they consider their own best interests;
- A reasonable time is allowed for exposure in the open market;
- Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

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[1] Interagency Appraisal and Evaluation Guidelines; December 10, 2010, Federal Register, Volume 75 Number 237, Page 77472.

160 PROPERTY RIGHTS (INTEREST) APPRAISED

Property Interest Appraised: The unencumbered fee simple rights have been appraised for this assignment, subject to easements and restrictions of record.

ODA Billboards: None.

Interest Other than Owner Occupant: None.

Tenant Owned Improvements: None.

Real Property Interest Previously Conveyed: Please refer to *Section 260* of this report.

Encumbrances: Please refer to *Section 230* for a description of notable encumbrances.

Non-Realty Items Appraised: None.

175 SCOPE (EXTENT OF PROCESS OF COLLECTING, CONFIRMING AND REPORTING DATA)

The scope of this appraisal report included research to find and verify vacant and improved arm's length sales that were consistent with the highest and best use determinations for the parent tract that occurred over the previous three years and were located within the market area of the subject property. The subject property was reviewed for sales during the previous three years. The research effort has been concentrated within Downtown Orlando. Data sources relied upon included City and County Government Public Records, the County Property Appraiser, the County Tax Collector, the City of Orlando Planning Department, Loopnet, CoStar, and Multiple Listing Service, among others.

The four factors that determined the subject's highest and best use were analyzed. These factors include the physically possible, legally permissible, financially feasible, and maximally productive uses. Traditionally, there are three approaches utilized in the valuation of real property: the Cost Approach, the Sales Comparison Approach, and the Income Approach. Typically, after obtaining value estimates by the Cost, Sales Comparison, and Income Approaches, the results are reconciled into a final value conclusion.

In order to appraise the subject property, we have utilized the Sales Comparison Approach as the applicable approach, in this case, to estimate the fee simple value for the land. This is the approach necessary to produce credible appraisal results given that the subject is vacant land. The Sales Comparison Approach and the Income Approach were utilized to estimate the market value of the subject as improved. Within the Income Approach, market rent comparables within the subject's market area were collected, verified, analyzed, and applied to the subject's improvements. These two methods are the preferred methods of valuation in the marketplace and were applicable in providing credible appraisal results. In the case of the subject, the Cost Approach was not deemed applicable due to the advanced economic age of the improvements and the resultant subjectivity in estimating depreciation. Additionally, the Cost Approach is not typically relied upon by market participants for properties such as the subject, which are actively bought and sold in the open marketplace

PRESENTATION OF DATA

200 IDENTIFICATION OF PROPERTY AND LEGAL DESCRIPTION

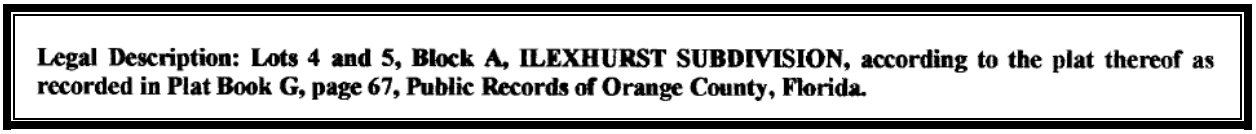
Identification of Property

The subject property is located at the northwest corner of S. Orange Avenue and W. Esther Street, within the municipal limits of the City of Orlando, Orange County, Florida.

Legal Description

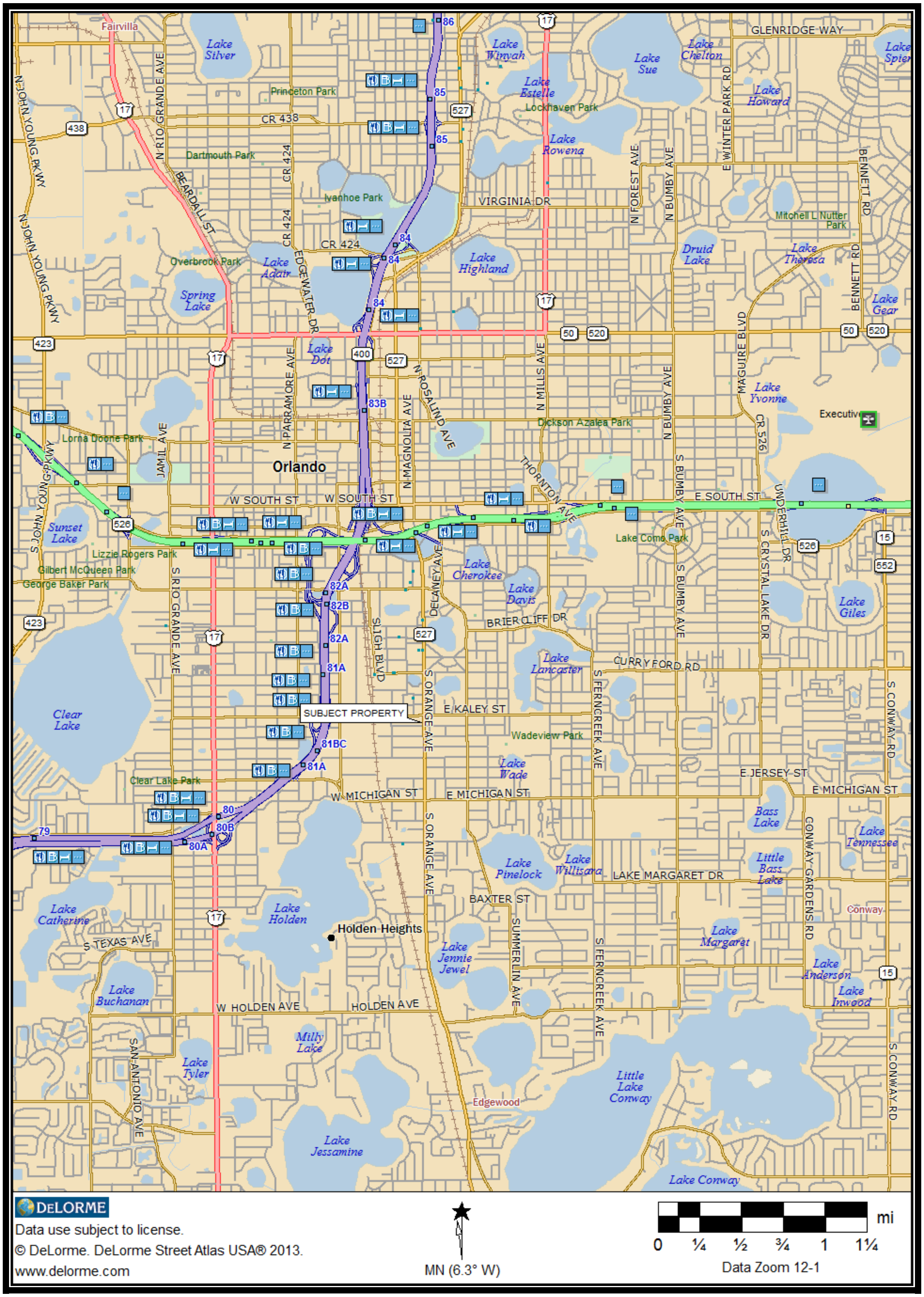
We have used the legal description contained in the most recent transfer of the subject property, a February 1, 2005, Special Warranty Deed, which is shown below. Complete copies of the most recent transfer documents have been provided in the *Addendum*.

Parcel 1: Tax Parcel 02-23-29-3828-01-040 (1912 S. Orange Avenue, Orlando, FL)**,** Orange County Official Records Book 7881, Page 3566, dated February 1, 2005:



Legal Description: Lots 4 and 5, Block A, ILEXHURST SUBDIVISION, according to the plat thereof as recorded in Plat Book G, page 67, Public Records of Orange County, Florida.

NEIGHBORHOOD MAP


Fairvilla
Lake Silver
Princeton Park
CR 438
Dartmouth Park
Ivanhoe Park
Overbrook Park
Lake Adair
Spring Lake
Lake Winyah
Lake Estelle
Lockhaven Park
Lake Rowena
Lake Sue
Lake Chelton
GLENRIDGE WAY
Lake Spier
Lake Howard
Lake Highland
VIRGINIA DR
N FOREST AVE
N BUMBY AVE
E WINTER PARK RD
Mitchell L Nutter Park
Druid Lake
Lake Theresa
BENNETT RD
Lake Gear
N JOHN YOUNG PKWY
N RIO GRANDE AVE
BEARDALL ST
CR 424
EDGEWATER DR
Lake Dot
Orlando
N PARRAMORE AVE
JAMAL AVE
Lorna Doone Park
N MAGNOLIA AVE
N ROSALIND AVE
N MILLS AVE
Dickson Azalea Park
MAGUIRE BLVD
Lake Yvonne
CR 526
Executive
THORNTON AVE
E SOUTH ST
W SOUTH ST
Sunset Lake
Lizzie Rogers Park
Gilbert McQueen Park
George Baker Park
S JOHN YOUNG PKWY
Lake Como Park
S BUMBY AVE
UNDERHILL DR
S CRYSTAL LAKE DR
Lake Cherokee
Lake Davis
BRIERCLIFF DR
DELANEY AVE
S RIO GRANDE AVE
SLIGH BLVD
Lake Giles
Lake Lancaster
CURRY FORD RD
Clear Lake
SUBJECT PROPERTY
S ORANGE AVE
E KALEY ST
Wadeview Park
S FERNCREEK AVE
S CONWAY RD
Lake Wade
E JERSEY ST
E MICHIGAN ST
W MICHIGAN ST
Clear Lake Park
Bass Lake
Lake Tennessee
CONWAY GARDENS RD
Lake Pinelock
Lake Willisara
LAKE MARGARET DR
Little Bass Lake
BAXTER ST
Lake Catherine
Lake Holden
Holden Heights
S TEXAS AVE
SUMMERLIN AVE
Lake Jennie Jewel
Lake Margaret
Conway
Lake Anderson
Lake Inwood
Lake Buchanan
W HOLDEN AVE
HOLDEN AVE
SAN ANTONIO AVE
Milly Lake
Lake Tyler
Edgewood
Little Lake Conway
Lake Jessamine
Lake Conway
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ORLANDO HEALTH DOWNTOWN CAMPUS MAP

Orlando Health Downtown Campus

- **Emergency Department and Level One Trauma Center** 29 W. Sturtevant St.
- **Children's Emergency Department and Trauma Center** 92 W. Miller St.
- **Orlando Regional Medical Center (ORMC)** 52 W. Underwood St.
- **Arnold Palmer Hospital for Children** 92 W. Miller St.
- **Winnie Palmer Hospital for Women & Babies** 83 W. Miller St.
- **UF Health Cancer Center – Orlando Health** 1400 S. Orange Ave.
- **Orlando Health Heart Institute** 1222 S. Orange Ave.
- **Ambulatory Care Center** 22 W. Underwood St.

① Arnold Palmer Hospital Specialty Practices
83 W. Columbia St.

② Clifford E. Graese Library
1414 Kuhl Ave.

③ Occupational Health
77 W. Underwood St.

④ Hubbard House
29 W. Miller St.

⑤ Human Resources
85 W. Gore St.

⑥ Winnie Palmer Hospital Surgical Pre-Testing
1301 Sligh Blvd.

⑦ Medical Education Administration
86 W. Underwood St.

⑧ Medical Education Outpatient Clinic
89 W. Copeland Dr.
Access from Underwood St.

⑧ UF Health Neurosurgery – Orlando Health
89 W. Copeland Dr.
Access from Underwood St.

⑨ Orlando Health Medical Pavilion
32 W. Gore St.

⑩ Obstetrics/Gynecology
21 W. Columbia St.

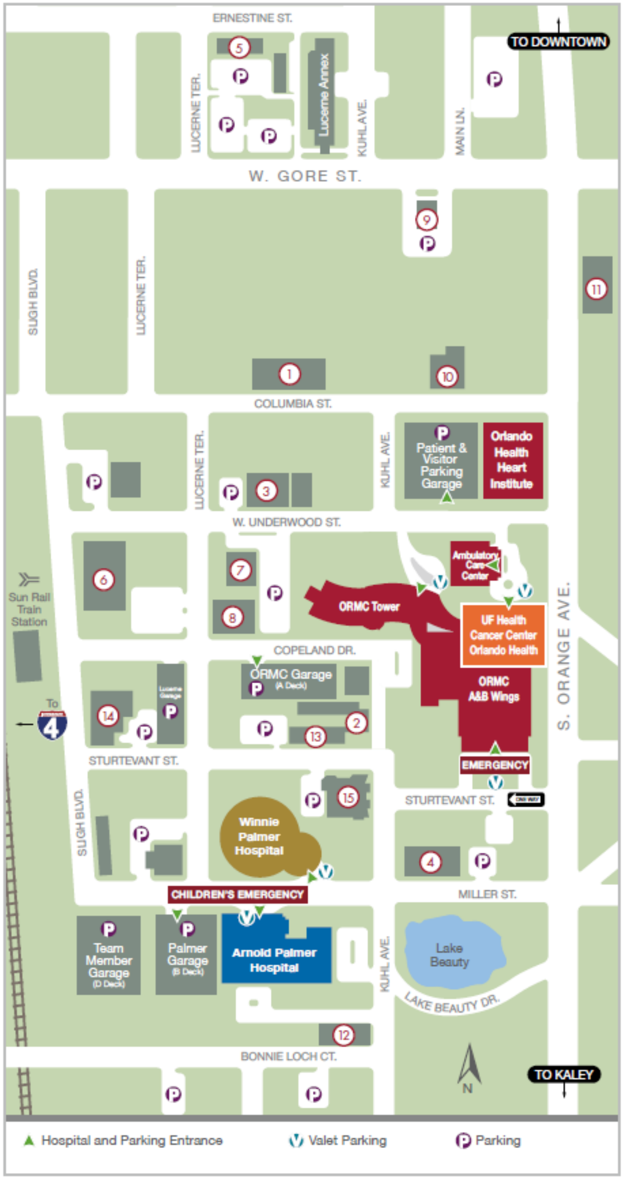
⑪ Rehabilitation, Children
925 S. Orange Ave.

⑫ Ronald McDonald House
1630 Kuhl Ave.

⑬ Thorsen Building
65 W. Sturtevant St.

⑭ Healthy U Fitness Center
119 W. Sturtevant St.

⑮ Outpatient Center I
50 W. Sturtevant St.
- Audiology (Pediatric and Adult)
- NICU Follow-Up Wellness Center
- Radiation Oncology TomoTherapy


ERNESTINE ST.
TO DOWNTOWN
LUCERNE TER.
Lucerne Annex
KUHL AVE.
MAIN LN.
W. GORE ST.
SLIGH BLVD.
LUCERNE TER.
COLUMBIA ST.
KUHL AVE.
Patient & Visitor Parking Garage
Orlando Health Heart Institute
W. UNDERWOOD ST.
Ambulatory Care Center
ORMC Tower
UF Health Cancer Center Orlando Health
ORMC A&B Wings
Sun Rail Train Station
COPELAND DR.
ORMC Garage (A Deck)
Lucerne Garage
To 4
S. ORANGE AVE.
STURTEVANT ST.
EMERGENCY
STURTEVANT ST.
ONE WAY
SLIGH BLVD.
Winnie Palmer Hospital
CHILDREN'S EMERGENCY
MILLER ST.
Team Member Garage (D Deck)
Palmer Garage (B Deck)
Arnold Palmer Hospital
KUHL AVE.
Lake Beauty
LAKE BEAUTY DR.
BONNIE LOCH CT.
N
TO KALEY
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
Hospital and Parking Entrance
Valet Parking
Parking

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ORLANDO HEALTH®

NEIGHBORHOOD ANALYSIS

A neighborhood tends to be any separately identifiable, cohesive area within a community with some common interest shared by its occupancy. Some neighborhoods may have recognizable natural or manmade boundaries. While physical boundaries are used when most analysts define the neighborhood, they are often less significant than other boundaries of influence. A neighborhood has been defined as a grouping of complementary land uses affected in a similar manner by the following forces ─ social, economic, governmental, and environmental -- which affect all property values. Besides physical boundaries, neighborhood boundaries can be further identified by perceptible changes in such characteristics as degree of similarity in land use, type of structures, architectural style and maintenance. Every neighborhood is influenced by its surrounding community or metropolitan area.

The subject property is located at the northwest corner of S. Orange Avenue and W. Esther Street. This location is just south of the Orlando Health Downtown Campus hospital district which includes the Orlando Regional Medical Center, Winnie Palmer Hospital for Women & Babies, and Arnold Palmer Child & Women Hospital. The medical center has spurred significant growth and redevelopment in the neighborhood.

The subject property is located just south of the downtown Orlando Central Business District (CBD). The subject’s neighborhood is considered to be the area roughly bounded by Interstate 4 to the west, Conway Road to the east, State Road 408 (East-West Expressway) to the north and Michigan Avenue to the south. The neighborhood is one of the older sections of Orlando and is considered well-established. Land in the area is virtually 100% developed, with new development coming in the form of site redevelopment.

The subject neighborhood is in a redevelopment stage as evidenced by some newer properties. This includes new retail space (Walmart Neighborhood Market) at the southeast corner of Michigan Street and Orange Avenue, adjacent to the Publix shopping center, and the large retail center known as Market at Southside (Ross, Pet Supermarket, Bealls Outlet, Dollar Tree, etc.). Additionally, the SODO (South of Downtown Orlando) mixed-use development, located just south of downtown Orlando on the west side of S. Orange Avenue, north of Michigan Street, is a 22-acre project containing 75,000 square feet of office, 300 luxury apartment units, and 370,000 square feet of retail/restaurant space. Current tenants include SuperTarget, TJ Maxx, 24-Hour Fitness, and a diverse mix of national brands, local boutiques, high-energy restaurants, and outdoor cafes. Immediately west of the SODO development and east of Interstate 4, north and south of Michigan Street, is an established industrial neighborhood.

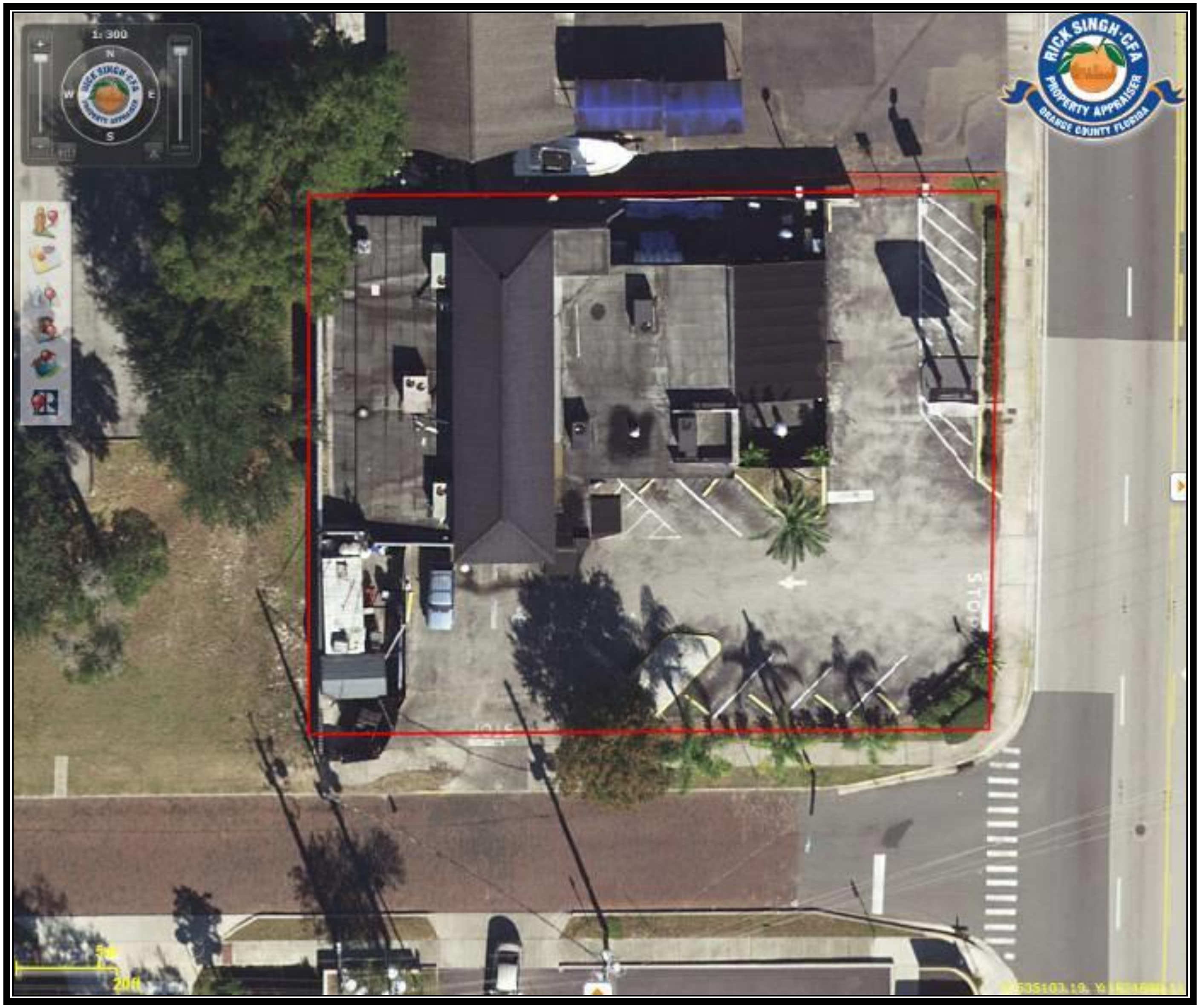
Access to the subject’s neighborhood is considered to be good due to the proximity of major highways and arterial roadways: Interstate 4 is a limited access highway which runs through the greater Orlando metropolitan area, then continues southwest to Tampa. Interstate 4 can be accessed from the subject neighborhood via Colonial Drive, the East-West Expressway, Anderson Street, Kaley Avenue and Michigan Street. The East-West Expressway (State Road 408) is a tollway which provides accessibility throughout the south-central portion of the greater Orlando area. This tollway is accessible within the subject neighborhood via Crystal Lake Drive, Bumby Avenue, and Orange Avenue, all of which connect to Curry Ford Road. Orange Avenue is a four-lane north-south arterial roadway which has been developed with commercial endeavors throughout the subject neighborhood.

In general, the subject’s neighborhood can be described as commercial with residential uses along the neighborhood side streets. The commercial uses in the subject neighborhood are primarily retail and professional office in nature with some scattered gas stations and commercial services. The subject’s neighborhood has benefited from the close proximity of the downtown Orlando area. Downtown Orlando has gone through many cyclical changes over the past two to three decades. Redevelopment of the downtown area had a significant positive impact on surrounding business such as professional offices, restaurants, hotels and the service industry and retail trade. During recent years, luxury residential developments have contributed to the most recent downtown growth. The Central Business District of Orlando is typical of many metropolitan areas throughout the country, as it has undergone a transition from a predominantly retail district to a regional center for banking, government and general office development. Orange Avenue is the focal point for office and retail uses downtown.

At Mills Avenue, north of Michigan Street, is the Blankner School (Kindergarten through 8th Grade) and Boone High School (9th through 12th Grade). Blankner was built in 2001 after relocating and expanding from just a block north on Kaley Street and has a current enrollment of over 900 students. Boone High School has a current enrollment of over 3,000 students and recently finished an eight-year renovation process and the campus, featuring a new media center and updated buildings, was rededicated in the fall of 2005. Both Blankner and Boone are “A” rated schools by the State of Florida.

In summary, the subject’s immediate neighborhood constitutes a peripheral area benefiting from proximity to Orlando's Central Business District. The population is relatively stable and is expected to remain so without deterioration in the foreseeable future. In our opinion, the demand for retail/commercial and professional office improvements in the subject neighborhood will continue to exist for the foreseeable future.

AERIAL SKETCH OF SUBJECT PROPERTY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RICK SINGH-CFA
PROPERTY APPRAISER
ORANGE COUNTY FLORIDA
STOP
STOP
5m
20ft

230 DESCRIPTION OF THE SUBJECT PROPERTY

Property Type: Commercial
Existing Use: Improved Bar/Nightclub

Land

1. **Area**: The subject site contains 15,429± square feet, of which all is considered to be developable. Property sizes have been estimated by our review and use of the Orange County Property Appraiser's records and GIS Map tools.

2. **Shape**: The shape of the subject property is mostly rectangular. The shape of the subject property is not considered to restrict the development potential of the site. The site has adequate frontage and depth to support virtually any type of permitted use.

3. **Dimensions**: The subject property has approximately 110 feet of direct frontage along the S. Orange Avenue and approximately 140 feet of frontage along the north side of W. Esther Street. All frontage estimates were calculated by use of the Orange County Property Appraiser's GIS measurement tool. No survey was available to the appraisers.

4. **Ingress/Egress**: The subject property is considered to have good ingress and egress provided by its frontages and excellent visibility. The subject corner location is not signalized, but a center turn lane along S. Orange Avenue does allow for vehicle stacking and efficient access. The site has one right in right out curb cut and driveway along its S. Orange Avenue frontage and an additional east west access driveway along its W. Esther Street frontage.

5. **Topography**: The site is mostly level and at road grade with surrounding roadways.

6. **Flood Plain Data**: According to the FEMA Map, Community Panel No. 12095C0245F, effective September 25, 2009, the subject is located within Flood Zone X. The zone is defined as follows:

   Zone X
   Zone X is the flood insurance rate zone that corresponds to areas outside the 1% annual chance floodplain, areas of 1% annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.

7. **Drainage**: The subject appears to drain adequately, with onsite sheet flows directed to the City of Orlando storm drains.

8. **Soil Characteristics**: The appraisers have not been supplied with a report of the subsoil conditions indicating the exact capacity of the subsoil. We do not have the benefit of subsoil test results of the property, and detection of possible soil defects would be beyond our realm of expertise.

   No responsibility is assumed for such conditions or for engineering which may be required to discover them. This appraisal specifically assumes that no such hazards/contamination exists. Specific instructions would be required for this consideration to apply and these instructions would be accompanied by appropriate engineering studies that would specify the content of such adverse conditions.

9. **Utilities**: All utilities are currently available to the subject.

10. **Easements, Encroachments or Restrictions and their Effect or Limitations on Value**: There are no known easements or encumbrances impacting the development potential of the subject property. We did not have a current title report or boundary survey of the property. Therefore, we advise any prospective purchaser or seller to obtain a title report and boundary survey in order to be sure.

11. **Site-Improvements:** As of the date of value used in this report, the subject was improved and operated as a bar/nightclub. Site improvements include paved parking for a reported 11 vehicles, concrete parking curbs, a pole mounted display board along the subject's S. Orange Avenue frontage, building mounted exterior lighting, and fencing.

SUBJECT BUILDING IMPROVEMENTS

The subject site is currently improved with a freestanding, masonry bar/nightclub building that was built in 1957 and remodeled for its current use in 2005. As of the Date of Value, June 1, 2016, the improvements were operated as the Pulse Nightclub. The building contains approximately 4,499± gross square feet of leasable area. The second floor consists of a mezzanine area split into two 15' x 15' offices. The total mezzanine office space was reported at approximately 450 square feet. The leasable area has been estimated via discussions with the owner and information contained in the Orange County Property Appraiser's records. The building appeared to have an effective age of about 10-15 years with a remaining economic life of about 20-25 years. As noted earlier in this report we did not inspect the interior of the improvements as of the effective date of the appraisal. We have relied on representative photographs of the interior found from public sources online. We assume these photographs to be good representations of the interior. We also interviewed the property owner, Mr. Rosario Poma, who assisted with the description of the improvements.

Representative photos of interior space and DJ booth

The owner reported to have spent upwards of $2,200,000 in renovations at the club since it was acquired in February of 2005. Improvements included a new exterior building façade, a $250,000 sound system, new floor and wall coverings, attached, immovable furniture and bar fixtures, and bathroom renovations. The total capacity was reported to be 324 to 425 patrons inside, plus capacity for an additional 100+ outdoor patrons.

There were two large bathrooms along the western perimeter with a total 19 fixtures. An additional two fixture restroom was located near the main entrance at the southeast corner of the building. There are two bars in the interior and one along the northeast exterior wall, with each being equipped with a sink. Additional improvements include a 16'x 8' walk-in cooler/freezer combo. We have provided a rough floor plan on the next page for a visual representation of the interior layout.

The subject only has 11 striped vehicle parking spaces situated on the site. To account for this deficiency, the owner had entered into an agreement with the westerly adjacent medical office to allow for the medical office to park at the subject during the daytime and allowing the subject to use their parking during the evening. Additionally, the subject owner leases parking from the northerly adjacent window tinting business, at a rate of $900 month, for valet parking during the evening hours. We were not provided a copy of either parking agreement, but did verify the Valet parking agreement with the window tinting company's owners.

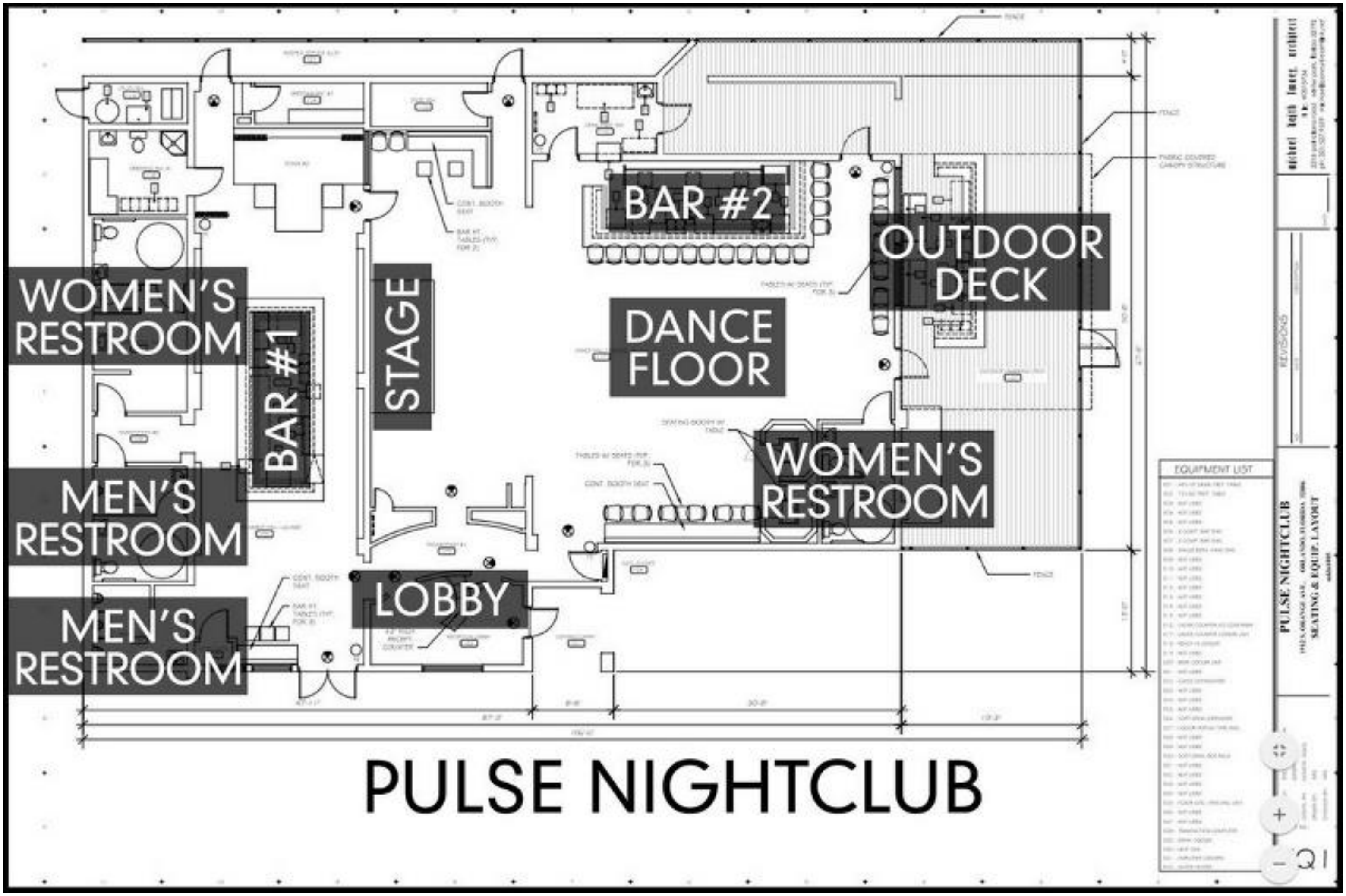
Overall Summary of Condition, Functional Utility, and Desirability of the Building: The building is considered to be in good condition for its age and when compared to similar properties in the neighborhood. The building is considered to have impaired but reasonable functional utility given the construction quality, maintenance, the age of the structure, and a low parking ratio.

Physical Curable Items: We are not aware of any immediate and measurable curable depreciation items.

Functional Curable/Incurable Obsolescence*:* The subject does suffer from inherent functional incurable obsolescence related to its deficient parking as mentioned above.

External Obsolescence*:* At the time of our formal inspection, no significant external obsolescence was noted.

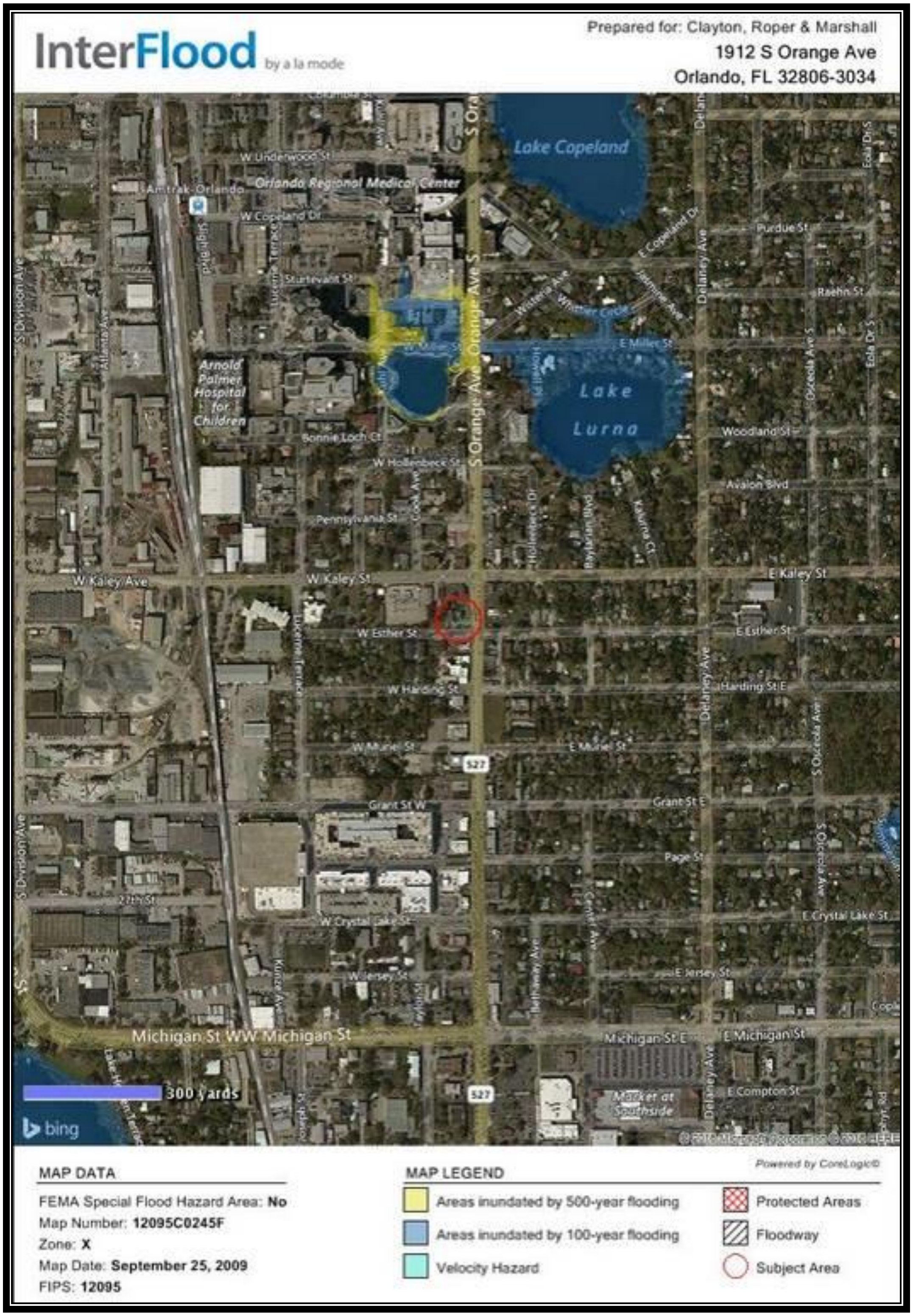
SUBJECT FLOOR PLAN


WOMEN'S RESTROOM
BAR #1
STAGE
BAR #2
OUTDOOR DECK
DANCE FLOOR
WOMEN'S RESTROOM
MEN'S RESTROOM
MEN'S RESTROOM
LOBBY
PULSE NIGHTCLUB
EQUIPMENT LIST
PULSE NIGHTCLUB
SEATING & EQUIP. LAYOUT
REVISIONS

SUBJECT PHOTOGRAPHS

At the direction of the client, we have not included a photograph section in this report. Photographs of the exterior have been retained in the appraiser's work files. Representative interior photographs have been excepted from online sources and included in the *Building Improvements* section of this report

FLOOD MAP



InterFlood by a la mode

Prepared for: Clayton, Roper & Marshall
1912 S Orange Ave
Orlando, FL 32806-3034

Lake Copeland
Lake Lurna
Orlando Regional Medical Center
Arnold Palmer Hospital for Children
Amtrak-Orlando
S Orange Ave
W Underwood St
W Copeland Dr
Sturtevant St
W Miller St
E Miller St
Bonnie Loch Ct
W Hollenbeck St
Pennsylvania St
W Kaley Ave
W Kaley St
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W Esther St
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W Harding St
Harding St E
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E Compton St
Market at Southside
Delaney Ave
S Division Ave
Lucerne Terrace
S Osceola Ave
Woodland St
Avalon Blvd
Purdue St
Raehn St
527
300 yards
bing

Powered by CoreLogic©

MAP DATA

FEMA Special Flood Hazard Area: **No**
Map Number: **12095C0245F**
Zone: **X**
Map Date: **September 25, 2009**
FIPS: **12095**

MAP LEGEND

- 🟨 Areas inundated by 500-year flooding
- 🟦 Areas inundated by 100-year flooding
- 🟩 Velocity Hazard
- ▨ Protected Areas
- ▨ Floodway
- ○ Subject Area

240 ZONING, LAND USE PLAN, CONCURRENCY

Zoning/Future Land Use:

The subject property is zoned by the City of Orlando, with a classification of AC-N-T-SP, Neighborhood Activity Center/Traditional City/Specially Planned Area Overlay.

The AC-N district is intended to provide for concentrated areas of neighborhood-serving commercial, office, residential, recreational and cultural facilities, at intensities compatible with surrounding neighborhoods. Although some Neighborhood Activity Centers may be composed of a single type of use, a mixture of land uses is specifically encouraged. These activity centers are intended for locations where arterials and collectors are available, providing convenient access to the surrounding neighborhood.

The Traditional City overlay district is intended to establish urban design standards to perpetuate the positive design elements and the residential and commercial development patterns found within the Traditional City. The Traditional City shall be defined by recognizable geographic boundaries of subdivisions platted prior to World War II in which there is a concentration of the positive design elements.

The SP Overlay District is intended to be a mechanism for creating urban design plans, guidelines, and standards in a coordinated manner to help achieve the goals, objectives, and policies of the Growth Management Plan. The SP Overlay District is also intended to provide opportunities for public participation in the process of planning for the enhancement of specifically defined areas.

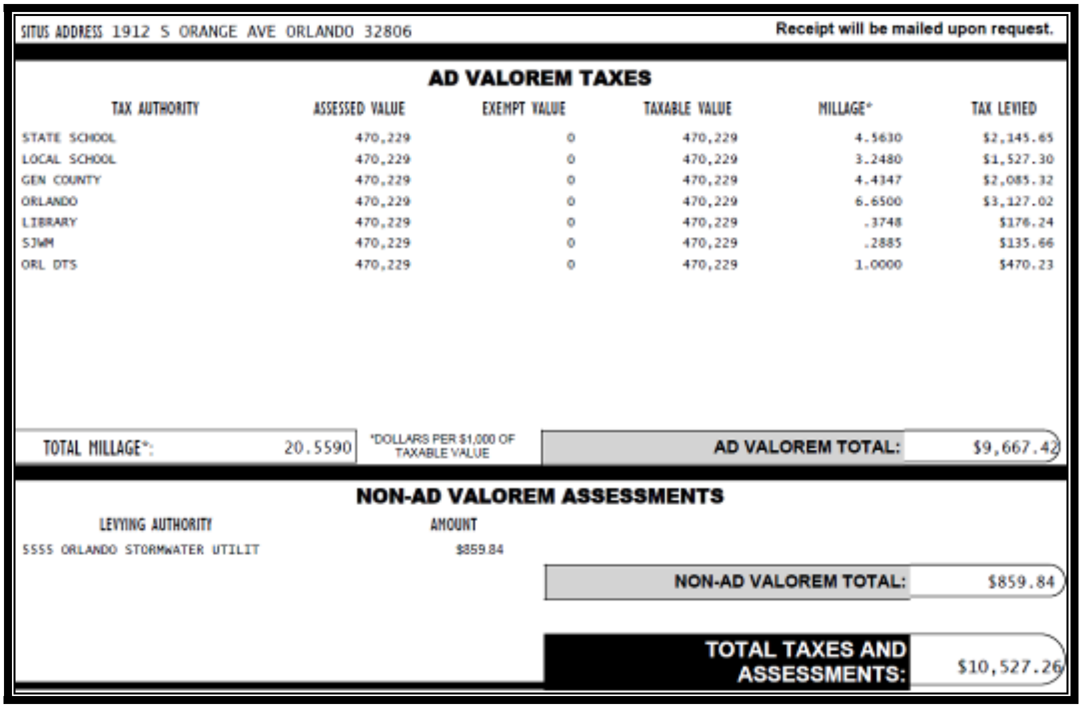
It is further intended that the SP Overlay District shall operate in conjunction with any other zoning district in which land may be classified, and that such lands may be used as permitted by such other districts except as may be qualified by the requirements of the SP Overlay District as set forth below.

The subject has Future Land Use designation of MUC-MED, Mixed Use Corridor-Medium Intensity. This district allows for up to 30 dwelling units per acre and/or a F.A.R. of 0.5.

The subject zoning and land use designation are in conformance and allow for a wide range of development options. Overall, we view the leeway provided by the subject's zoning and land use designations as a positive attribute.

250 ASSESSED VALUE, TAXES AND SPECIAL ASSESSMENTS

We have presented a table below summarizing the 2016 Tax Assessment for the subject property. According to our review of public records, there are no delinquent taxes associated with the subject property.



SITUS ADDRESS 1912 S ORANGE AVE ORLANDO 32806

Receipt will be mailed upon request.

AD VALOREM TAXES

TAX AUTHORITY	ASSESSED VALUE	EXEMPT VALUE	TAXABLE VALUE	MILLAGE*	TAX LEVIED
STATE SCHOOL	470,229	0	470,229	4.5630	$2,145.65
LOCAL SCHOOL	470,229	0	470,229	3.2480	$1,527.30
GEN COUNTY	470,229	0	470,229	4.4347	$2,085.32
ORLANDO	470,229	0	470,229	6.6500	$3,127.02
LIBRARY	470,229	0	470,229	.3748	$176.24
SJWM	470,229	0	470,229	.2885	$135.66
ORL DTS	470,229	0	470,229	1.0000	$470.23

TOTAL MILLAGE*: 20.5590

*DOLLARS PER $1,000 OF TAXABLE VALUE

AD VALOREM TOTAL: $9,667.42

NON-AD VALOREM ASSESSMENTS

LEVYING AUTHORITY	AMOUNT
5555 ORLANDO STORMWATER UTILIT	$859.84

NON-AD VALOREM TOTAL: $859.84

TOTAL TAXES AND ASSESSMENTS: $10,527.26

260 FIVE YEAR HISTORY OF PROPERTY

The subject site was acquired by 1912 South Orange, LLC on February 1, 2005 from the Contella Family Limited Partnership for the recorded consideration of $925,000. There have been no recorded transactions involving the subject property in the last five years.

We are aware of ongoing discussions for a possible purchase between the City of Orlando and the current owner. However, no additional details are known at this time.

270 EXPOSURE TIME/MARKETING TIME

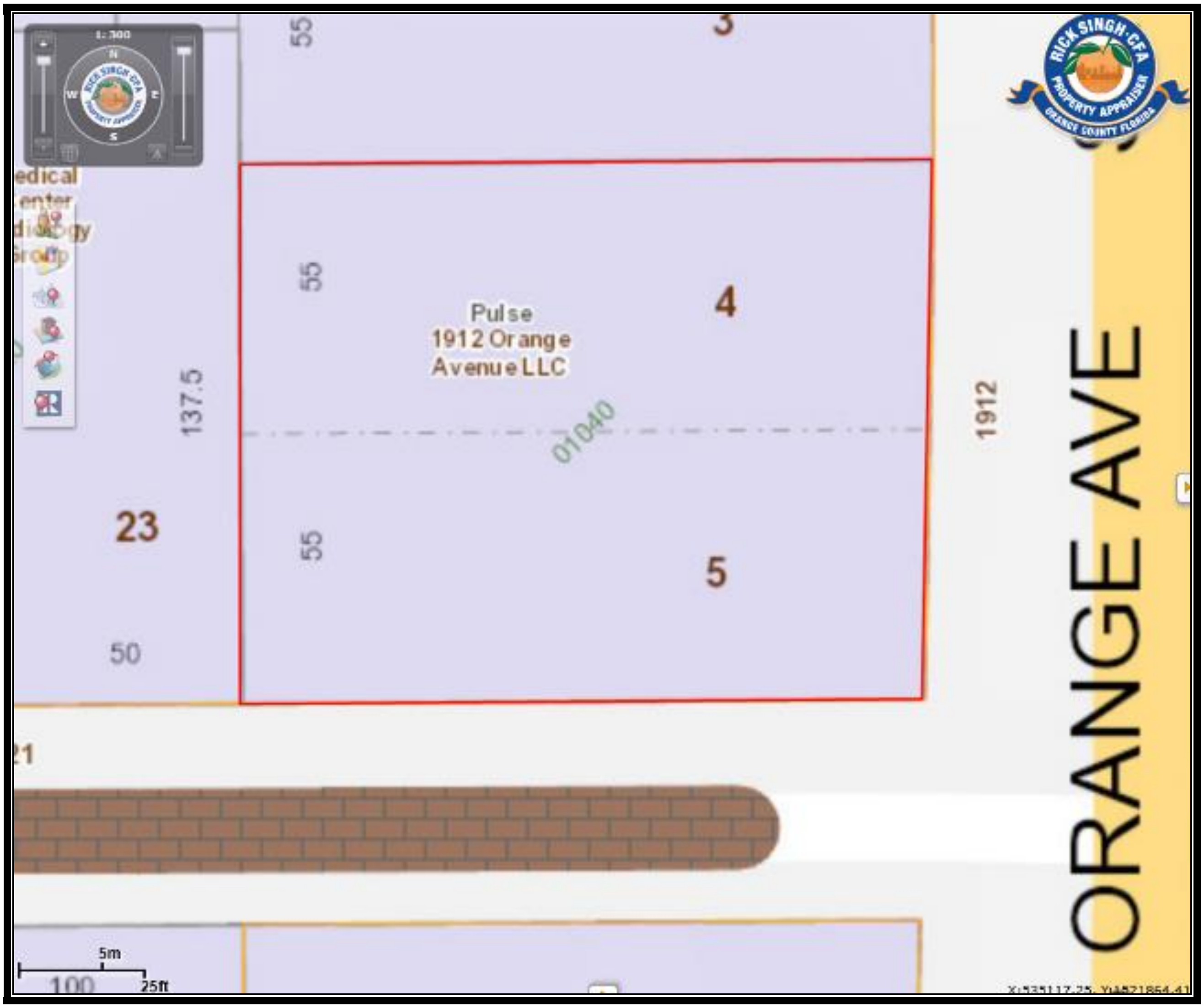
Exposure time is the estimated length of time between the hypothetical consummation of a sale of the subject property at market value on the effective date of the appraisal and its listing date. In other words, it is a retrospective opinion based on an analysis of past events assuming a competitive and open market. We have estimated an exposure time of 6-12 months for the subject property, based on an analysis of sales activity in this area. The subject's marketing time is also estimated at approximately 6-12 months.

280 PUBLIC AND PRIVATE RESTRICTIONS

No public or private restrictions other than those already noted in this report are known. We examined the subject's most recently recorded deeds to uncover any notable restrictions and none were brought to our attention. We did not have the benefit of a title report for the subject.

TAX MAP

Subject Property Shown in Red Outline


1: 300
N
W
E
S
55
3
55
4
Pulse
1912 Orange
Avenue LLC
137.5
01040
1912
23
55
5
50
21
ORANGE AVE
5m
100
25ft

ANALYSIS OF DATA AND CONCLUSIONS

300 HIGHEST AND BEST USE ANALYSES

In order to estimate the highest and best use for the subject property, we have considered those uses that are legally permissible, physically possible, economically feasible, and reasonably probable and which would result in the highest net return to the land. Individual features of the site such as size, shape, location, frontage, access to roadways, availability of necessary utilities, and infrastructure are also considered along with surrounding land uses and the demand for property in the current real estate market.

AS VACANT

Physically Possible Uses

The first step in determining the highest and best use is to examine what potential uses are physically possible. The most important constraint upon real estate is location, because the location of a property cannot be changed. In order to determine what uses are physically possible, we examine all of the physical characteristics of the subject property. This analysis will also consider any physical constraints upon the property which may reduce, or at least hinder in some way, its utility. The subject site is 15,429 square feet in size at a corner with about 110 feet of South Orange Avenue frontage. The site is basically level and well drained. The physical aspects do not pose significant restraint to the site's development to its highest and best use. All utilities are available to the subject property. The limited size of the site will pose some design limitations; however, these could be overcome. Our sales search has shown there to be a good market for similarly sized parcels in the neighborhood and greater Orlando market area.

Legally Permissible Uses

The most important legal constraint upon most real estate, including the subject property, is zoning. Zoning laws are designed to allow for the orderly development of communities, rather than permitting a disorganized sprawl. The goal, in general terms, is to provide for compatible neighboring land uses, coordinate the development of primary infrastructure, and reduce the overall cost of providing necessary services to the community. The subject property is under the jurisdiction of the City of Orlando and has a zoning classification of AC-N-T-SP, Neighborhood Activity Center/Traditional City/Specially Planned Area Overlay Districts, and has a future land use classification of MUC-MED, Mixed Use Corridor-Medium Intensity (15-30 dwelling units per acre and/or 0.5). From a legal point of view, the subject site could be developed with a range of commercial and mixed uses.

Economically Feasible and Maximally Productive

Once the physically possible and legally permissible potential land uses have been determined, the next step in estimating highest and best use is to determine which uses are logical, economically feasible, and maximally productive. Determining which uses are logical is based primarily upon the nature of the subject property, the characteristics of the subject neighborhood, and expected growth trends which are projected to impact the subject property. All of these factors are examined within the body of this report.

After determining which uses are logical, it is necessary to determine what potential uses are economically feasible. Strictly speaking, a use which produces any positive overall return, be it cash flow or Internal Rate of Return (IRR), is economically feasible. From the list of economically feasible uses the one use is chosen that produces the greatest return. This is the maximally productive use and is, therefore, the highest and best use of the subject property. This procedure, therefore, can be seen as being shaped like a pyramid, with physically possible uses representing the base and the one maximally productive use representing the peak. Furthermore, a determination of highest and best use must take into consideration not only present influences upon the subject property, but the expectation of future influences as well. The highest and best use of a property can change if market influences on the property change.

The subject is located in a well-established office and commercial market with strong demand. This location is in the Orlando Health hospital district which includes the Orlando Regional Medical Center, Winnie Palmer Hospital for Women & Babies, and Arnold Palmer Hospital for Children & Women. The subject is also well located within proximity to the area's highways.

Physically, the subject site is well suited for multiple uses. Legally, the site is designated for a variety of commercial uses. Development of the subject property with an office building or mixed-use commercial would likely be economically feasible in the long-term outlook. The subject's location is ideal for any number of uses such as those pre-existing on S. Orange Avenue between Michigan Street and Lake Lucerne. Based on these findings, we have concluded the subject property's highest and best use "As If Vacant" is for most any use that would be suitable legally as discussed above and still be accommodated by the size and configuration of the site.

HIGHEST AND BEST USE "AS IMPROVED"

The subject site is improved with a bar/nightclub and was in good condition. As such, the improvements add contributory value to the site. The existing improvements represent a physically possible, legally permissible and financially feasible use of the site. Therefore, it appears the most prudent and economical use "As Improved" is for its continued use as improved.

302 HIGHEST AND BEST USE CONCLUSION

AS VACANT

It is our opinion that the highest and best use of the subject property is to develop the subject as an office or other commercially oriented use that takes advantage of the visibility along S. Orange Avenue and the synergies created by the surrounding pre-existing uses.

AS IMPROVED

The Highest and Best Use of the subject "As Improved" is for continued use as improved.

305 APPROACHES TO VALUE USED AND EXCLUDED

Traditionally, there are three approaches utilized in the valuation of real property: the Cost Approach, the Sales Comparison Approach, and the Income Capitalization Approach.

The Cost Approach is based on the "Principle of Substitution" which states that no rational person would pay more for a property than the amount for which they can obtain, by purchase of a site and construction of improvements, without undue delay, a property of equal desirability and utility. The basic steps of the Cost Approach are to estimate land value as if vacant, estimate the reproduction cost new of the basic improvements and minor structures (excluding any that were included as part of the land value), and then estimate, in dollar amounts, the accrued depreciation caused by the physical deterioration, functional deficiencies, or super adequacies or any adverse external influences. The next step is to deduct the accrued depreciation from the improvement's estimated reproduction cost new to arrive at a present depreciated cost estimate. Then, by adding the land value estimate, the result is to arrive at an indicated value for the property by the Cost Approach.

The Sales Comparison Approach is based on the "Principle of Substitution" which indicates that an informed purchaser would pay no more for a property than the cost of acquiring an equally desirable substitute property with the same or similar utility. This approach is applicable when an active market provides sufficient quantities of reliable data which can be verified from authoritative sources. The Sales Comparison Approach is reliable in an active market or if an estimate of value is related to properties for which there are comparable sales available. Heavy emphasis is usually placed on this approach to value in an active market.

In the Income Capitalization Approach, we are concerned with the present value of any future benefits of property ownership. Future benefits are generally indicated by the amount of net income the property will produce during its remaining useful life. After comparison of interest yields and characteristics of risk for investments of similar type and class of properties, this net income is then capitalized into an estimate of value. The value indicated by the Income Capitalization Approach is generally the most indicative value indication for properties which are held for income production or investment type properties in general.

After obtaining value estimates by the Cost, Sales Comparison and Income Approaches, the results are reconciled into a final value conclusion. This reconciliation process is a weighing of the strengths and weaknesses of each approach in order to reconcile the independent valuation estimates into a single, comprehensive estimate of market value.

We have utilized the Sales Comparison Approach as the applicable approach, in this case, to estimate the fee simple value for the land. The Sales Comparison Approach and the Income Approach were utilized to estimate the market value of the subject as improved. Within the Income Approach, market rent comparables within the subject's market area were collected, verified, analyzed, and applied to the subject's improvements. These two methods are the preferred methods of valuation in the marketplace and were applicable in providing credible appraisal results. In the case of the subject, the Cost Approach was not deemed applicable due to the advanced economic age of the improvements and the resultant subjectivity in estimating depreciation. Additionally, the Cost Approach is not typically relied upon by market participants for properties such as the subject, which are actively bought and sold in the open marketplace.

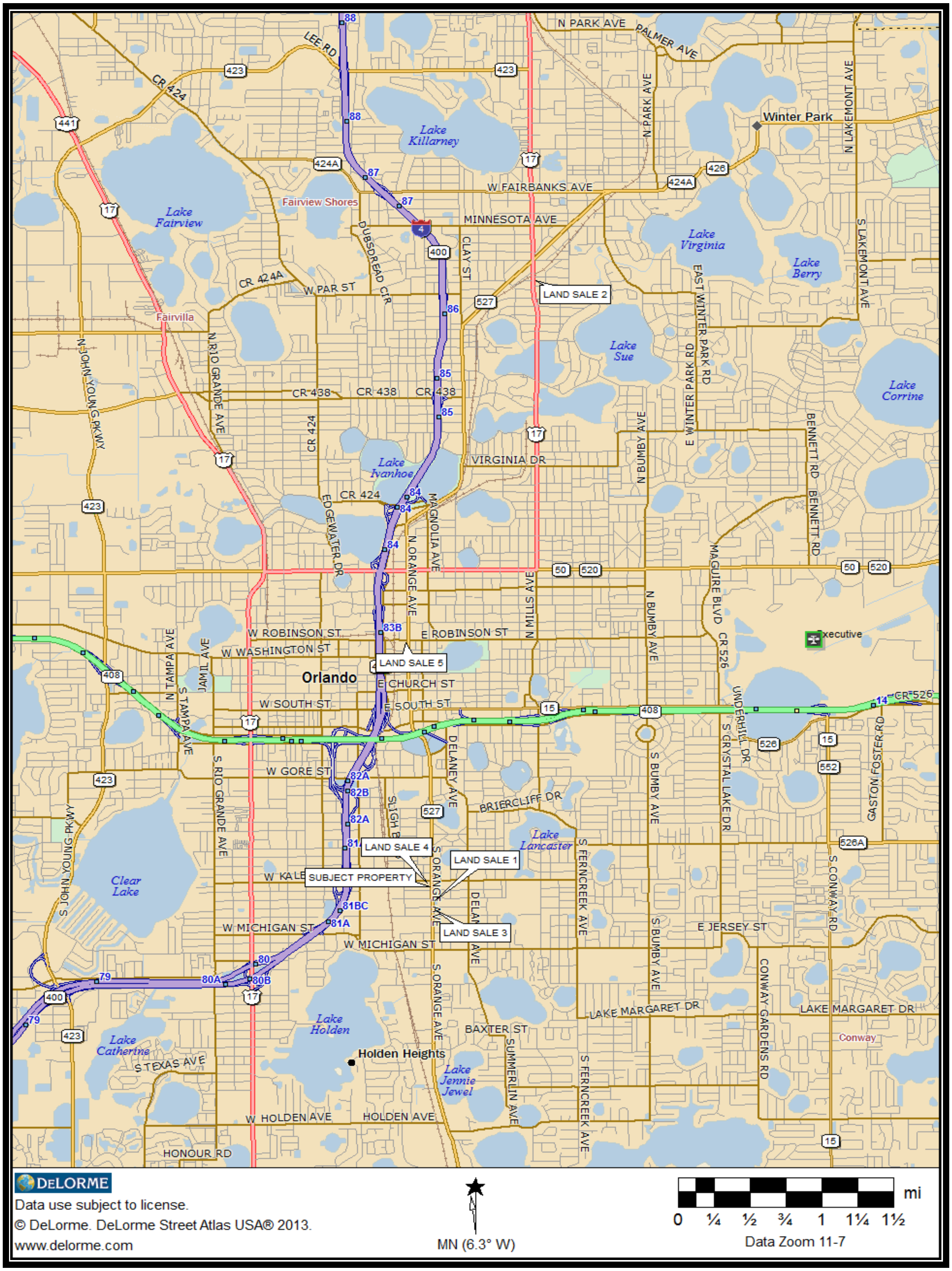
310 SALES COMPARISON APPROACH-LAND VALUE

To value the subject land site, we have used completed vacant land sales transactions. These sales were considered the best indicators of value for the subject property. The scope of our data search included the process of collecting, confirming and reporting the most comparable arm’s length land sales which occurred over the previous few years and were located within the Central Florida area. The subject property was also reviewed for prior sales over the previous five years.

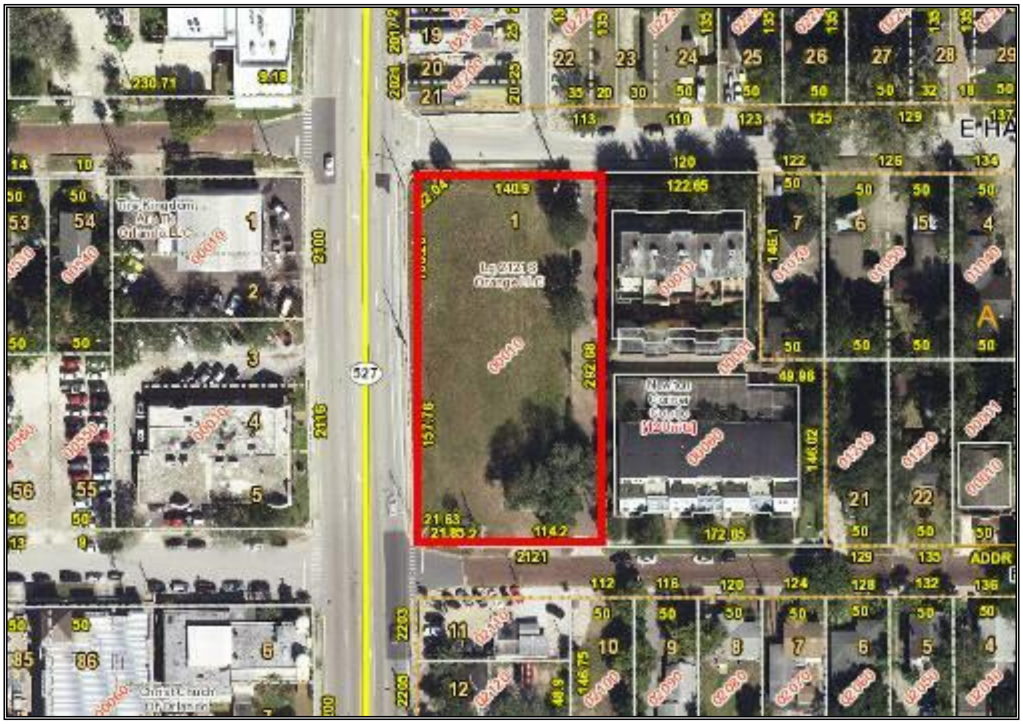
Not all property transactions that were investigated were used to form a value conclusion. A properly qualified comparable sale does not need to be identical to the subject, but should have a similar highest and best use, should be physically similar to the subject in factors affecting value, and should be a recent arm’s length transaction between fully-informed parties free of any compulsion or abnormal pressure.

We have located sales considered competitive alternatives to the subject based on the principle of substitution. Properties similar to the subject property are typically purchased on a price per square foot of land area basis. Therefore, we have elected to use price per square foot as the primary unit of comparison for this analysis. All sales were considered to have the same or similar highest and best use as the subject, and all sales would be an alternative substitute for the subject site.

LAND SALES MAP


LAND SALE 1
LAND SALE 2
LAND SALE 3
LAND SALE 4
LAND SALE 5
SUBJECT PROPERTY
Orlando
Winter Park
Fairview Shores
Fairvilla
Holden Heights
Conway
Executive
Lake Killarney
Lake Fairview
Lake Virginia
Lake Berry
Lake Sue
Lake Corrine
Lake Ivanhoe
Lake Lancaster
Clear Lake
Lake Holden
Lake Catherine
Lake Jennie Jewel
N PARK AVE
PALMER AVE
LEE RD
CR 424
W FAIRBANKS AVE
MINNESOTA AVE
W PAR ST
CR 438
VIRGINIA DR
W ROBINSON ST
E ROBINSON ST
W WASHINGTON ST
E CHURCH ST
W SOUTH ST
E SOUTH ST
W GORE ST
BRIERCLIFF DR
W KALEY
W MICHIGAN ST
E JERSEY ST
LAKE MARGARET DR
BAXTER ST
S TEXAS AVE
W HOLDEN AVE
HOLDEN AVE
HONOUR RD
N MILLS AVE
N ORANGE AVE
S ORANGE AVE
N BUMBY AVE
S BUMBY AVE
S FERNCREEK AVE
DELANEY AVE
SUMMERLIN AVE
CONWAY GARDENS RD
S CONWAY RD
GASTON FOSTER RD
BENNETT RD
MAGUIRE BLVD
EDGEWATER DR
N RIO GRANDE AVE
S RIO GRANDE AVE
N JOHN YOUNG PKWY
S JOHN YOUNG PKWY
DELORME
Data use subject to license.
© DeLorme. DeLorme Street Atlas USA® 2013.
www.delorme.com
MN (6.3° W)
0 ¼ ½ ¾ 1 1¼ 1½
mi
Data Zoom 11-7

LAND SALE 1


LG 2121 S Orange LLC
Tire Kingdom Arms Orlando LLC
527
2100
2116
2121
140.9
157.76
114.2
E HA
ADDR
Christ Church of Orlando

TYPE OF PROPERTY	Commercial Land
RECORDED	20160187419, Orange County, FL
GRANTOR	Kilgore Properties LLC
GRANTEE	LG 2121 S. Orange LLC
SALE DATE	April 8, 2016
SALE PRICE	$1,750,000
ANALYSIS	$39.10 per square foot
TYPE OF INSTRUMENT	Special Warranty Deed
INTEREST CONVEYED	Fee Simple
CONDITIONS OF SALE	Arm’s Length Transaction
FINANCING	Same as Cash to Seller
MOTIVATIONS OF PARTIES	Market Motivations

28545
Page 2

LAND SALE 1
(Cont'd)

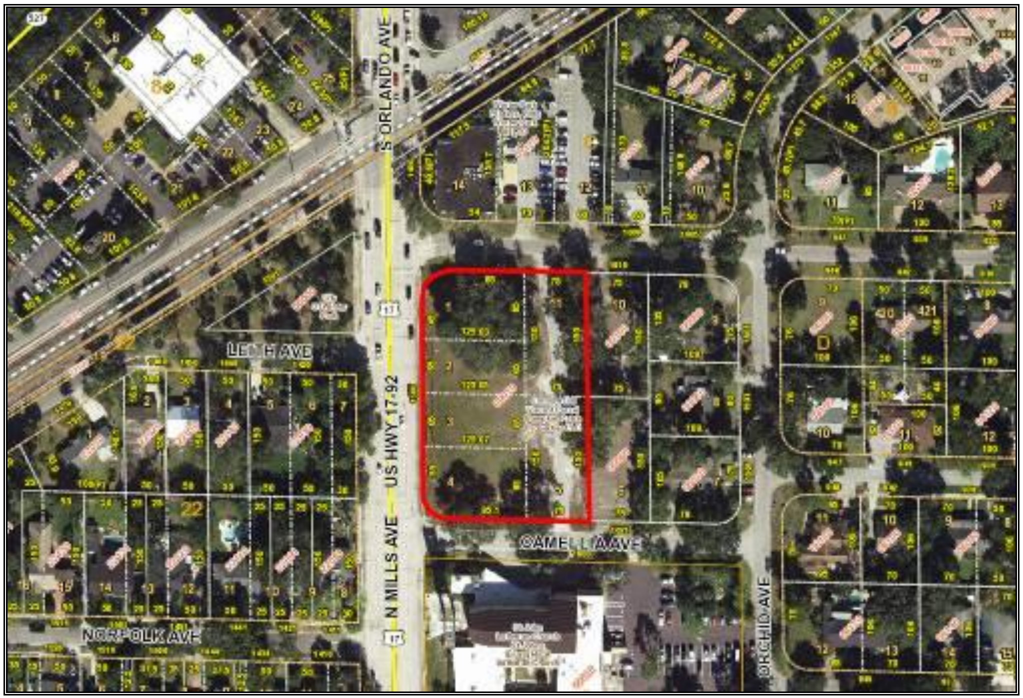
CASH EQUIVALENCY	N/A
SITE DESCRIPTION	The rectangular parcel totals 44,756 square feet or 1.03 acres, all useable, with frontage on the east side of S. Orange Avenue, the south side of E. Harding Street, and the north side of E. Muriel Street. The site is level and all utilities are available.
LOCATION	The property is located on the east side of S. Orange Avenue, south of Kaley Street, at 2121 S. Orange Avenue, Orlando, Orange County, Florida 32806.
ZONING	PD/T/SP, Planned Development/Traditional City/Specially Planned Area, City of Orlando
FUTURE LAND USE	Mixed Use Corridor Medium Intensity (15-30 DU/Ac and/or 0.5 FAR), City of Orlando
PRESENT USE	Commercial
ENCUMBRANCES	None Noted
IMPROVEMENT DESCRIPTION	None
VERIFICATION	
With/Relationship:	Public Records, Deed
Telephone Number:	N/A
Date:	July 13, 2016
Verified by:	Richard B. Williams
And	
With/Relationship:	Ron Carlson, Leon Capital Group, Rep. of Grantee Public Records, Deed
Telephone Number:	(727) 786-0033
Date:	October 18, 2016
Verified by:	Mary T. Leadon
COMMENTS	According to Ron Carlson, the buyer and seller briefly formed a partnership due to a special court proceeding. However, he stated that the sales price was consistent with market values. They will build a retail plaza within the next year (2017).
SALE HISTORY	According to the Orange County Property Appraiser's records, no prior sales in the previous three years.

28545
Page 3

LAND SALE 1
(Cont'd)

PARCEL ID NUMBER	01-23-29-5924-00-010
LEGAL DESCRIPTION	NEWTON CORNER 52/145 LOT 1

LAND SALE 2

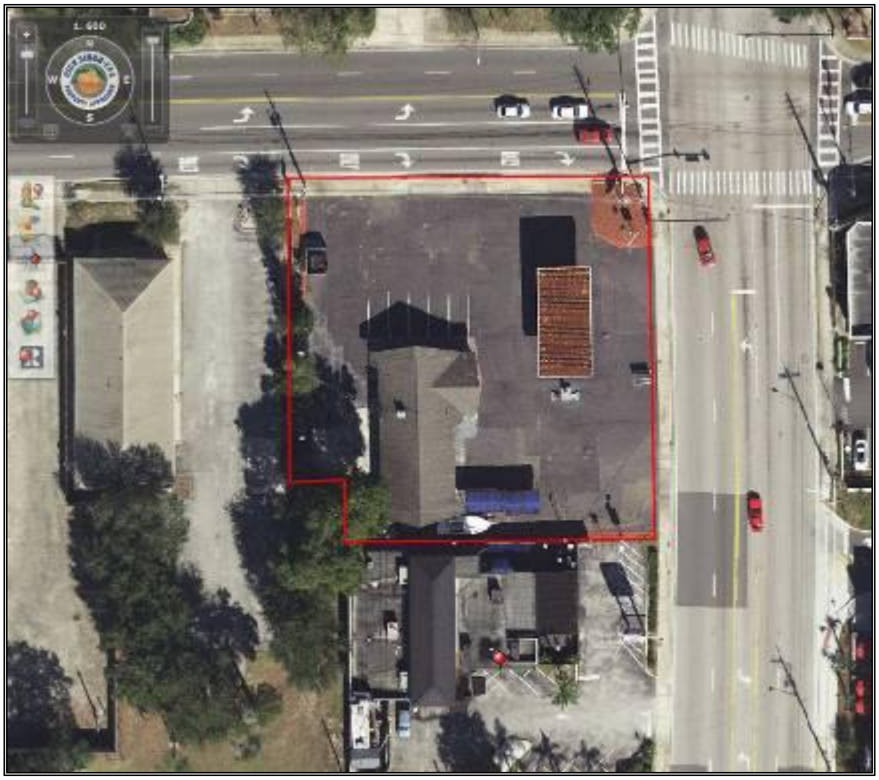

S ORLANDO AVE
LEITH AVE
US HWY 17-92
N MILLS AVE
CAMELLIA AVE
NORFOLK AVE
ORCHID AVE

TYPE OF PROPERTY	Commercial Land
RECORDED	O.R. Book 11001 Page 1597, Orange County, FL
GRANTOR	St. John Evangelical Lutheran Church of Orlando and Winter Park, Florida Inc.
GRANTEE	Pumpkin Patch Properties, LLC
SALE DATE	October 20, 2015
SALE PRICE	$2,100,000
ANALYSIS	$35.34 per square foot
TYPE OF INSTRUMENT	Special Warranty Deed
INTEREST CONVEYED	Fee Simple
CONDITIONS OF SALE	Arm’s Length Transaction
FINANCING	Same as Cash to Seller
MOTIVATIONS OF PARTIES	Market Motivations

LAND SALE 2
(Cont'd)

CASH EQUIVALENCY	N/A
SITE DESCRIPTION	The rectangular parcel totals 59,415 square feet or 1.36 acres, all useable, with frontage on the east side of US Highway 17-92 (aka N. Mills Avenue and S. Orlando Avenue), the south side of Garden Street, and the north side of Camellia Avenue. The site is level and all utilities are available.
LOCATION	The property is located on the east side of US Highway 17-92 (aka N. Mills Avenue and S. Orlando Avenue), south of N. Orange Avenue, at 1500 S. Orlando Avenue, Winter Park, Orange County, Florida 32789.
ZONING	R-1A, Residential, City of Winter Park
FUTURE LAND USE	OP, Office Professional, City of Winter Park
PRESENT USE	Commercial
ENCUMBRANCES	None Noted
IMPROVEMENT DESCRIPTION	None
VERIFICATION	
With/Relationship:	Ms. Margery Johnson (listing broker), Public Records, Deed
Telephone Number:	(407) 541-4395
Date:	July 14, 2016
Verified by:	Richard B. Williams
COMMENTS	The listing broker stated the property was on the market for about one year before it was under contract. The owner intends to develop the property with a 15,000± square foot, two-story medical office building for reproductive medicine.
SALE HISTORY	According to the Orange County Property Appraiser's records, no prior sales in the previous three years.
PARCEL ID NUMBER	12-22-29-2936-00-010
LEGAL DESCRIPTION	2ND REPLAT BLK E GARDEN ACRES R/141 LOTS 1 TO 5 & 11

LAND SALE 3



PROPERTY TYPE	Vacant Commercial, Mixed-Use Land
RECORDED	O.R. Book 10795, Page 6666, Orange County
GRANTOR	Mansoo Chang and Sung Sook Chang, Husband and Wife
GRANTEE	Wongsinee Kurtz, a married woman
SALE DATE	August 4, 2014
SALE PRICE	$900,000
ANALYSIS	$36.18 per Gross and Net Square Foot
LOCATION	The property is located on the southwest corner of South Orange Avenue and W. Kaley Street in Orlando, Orange County, Florida 32806.

28675
Page 2

LAND SALE 3
(Cont'd)

SITE DESCRIPTION	Shape: Mostly Rectangular
	Size: 26,651± square feet or 0.61± acres, all usable
	Corner: Yes
	Frontage: 165' on WS of S Orange Ave, 165' SS of W Kaley Street
	Utilities: All Available
	Topography: Level
IMPROVEMENT DESCRIPTION	Vacant Land (See Comments)
ZONING	AC-N/T/SP, Neighborhood Activity Center /Traditional City/Specially Planned Area, Orlando (Eastern 23,320 Square Feet) O-2/T/SP, Office-2/ /Traditional City/Specially Planned Area, Orlando (Western 3,431 Square Feet)
FUTURE LAND USE	Mixed-Use Corridor Medium, Orlando (Eastern 23,320 Square Feet) Office Medium, Orlando (Western 3,431 Square Feet)
TYPE OF INSTRUMENT	Warranty Deed
INTEREST CONVEYED	Fee Simple
CONDITIONS OF SALE	Arm's Length
FINANCING	Cash to Seller
MOTIVATIONS OF PARTIES	Typical of market
CASH EQUIVALENCY	No adjustments required
EASEMENTS	None noted on deed; typical easements assumed for drainage and utilities.
PRESENT USE	Vacant land
HIGHEST AND BEST USE	Commercial or mixed use development
INSPECTION DATES	October 25, 2016

LAND SALE 3
(Cont'd)

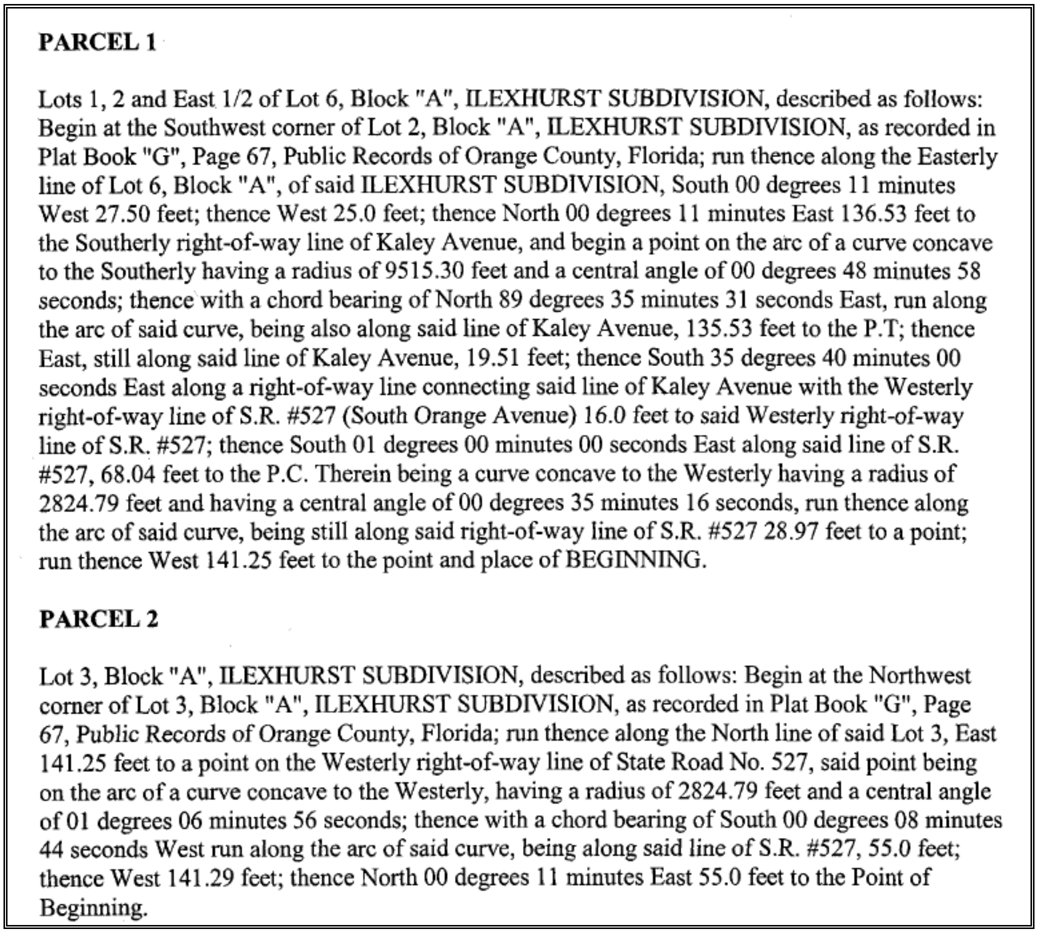
VERIFICATION

With/Relationship:	Wongsinee Kurtz, Grantor
Telephone	N/A: In Person
Date:	October 25, 2016
Verified by:	Mary T. Leadon

COMMENTS	Per the grantor, the sale property transferred with improvements related to a former gas station that have been repurposed for use as a window tinting business. Per discussions with the grantee, the improvements were given minimal consideration of $15,000-$20,000. The improvements had a reported size of 4,438 gross square feet and were originally constructed in 1968. The former fuel tanks were removed prior to the date of sale.
SALE HISTORY	There were no other sales noted on the Orange County Property Appraiser's records in the past three years.
TAX ID NUMBER	02-23-29-3828-01-010

LAND SALE 3
(Cont'd)

LEGAL DESCRIPTION



PARCEL 1

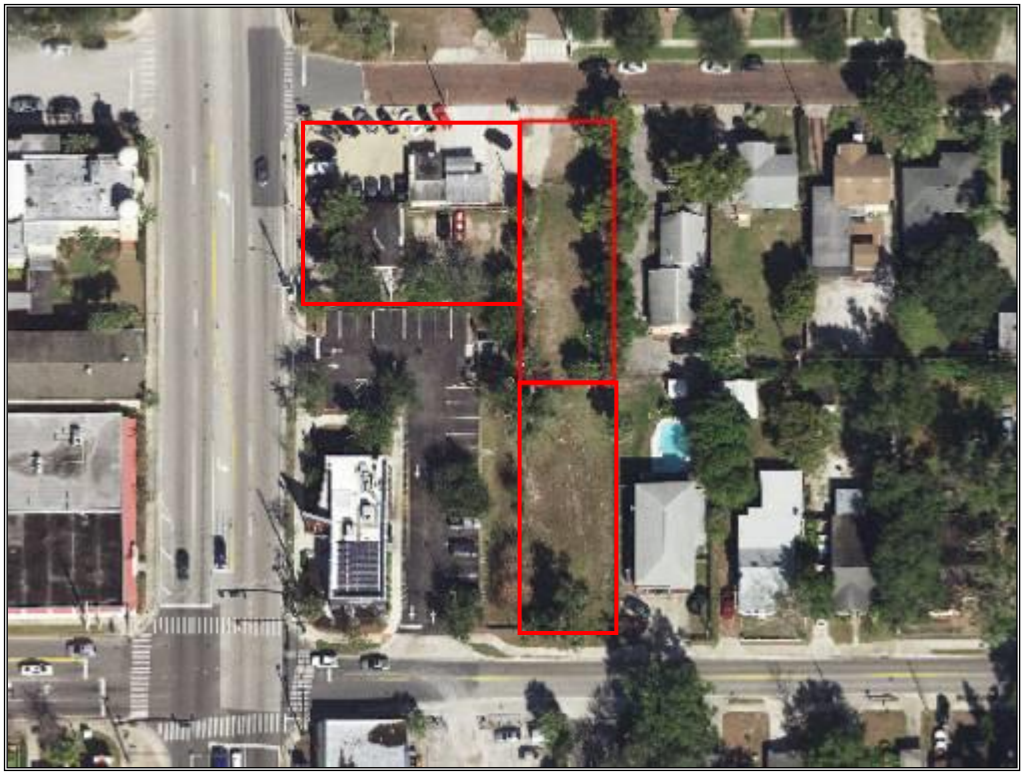
Lots 1, 2 and East 1/2 of Lot 6, Block "A", ILEXHURST SUBDIVISION, described as follows: Begin at the Southwest corner of Lot 2, Block "A", ILEXHURST SUBDIVISION, as recorded in Plat Book "G", Page 67, Public Records of Orange County, Florida; run thence along the Easterly line of Lot 6, Block "A", of said ILEXHURST SUBDIVISION, South 00 degrees 11 minutes West 27.50 feet; thence West 25.0 feet; thence North 00 degrees 11 minutes East 136.53 feet to the Southerly right-of-way line of Kaley Avenue, and begin a point on the arc of a curve concave to the Southerly having a radius of 9515.30 feet and a central angle of 00 degrees 48 minutes 58 seconds; thence with a chord bearing of North 89 degrees 35 minutes 31 seconds East, run along the arc of said curve, being also along said line of Kaley Avenue, 135.53 feet to the P.T; thence East, still along said line of Kaley Avenue, 19.51 feet; thence South 35 degrees 40 minutes 00 seconds East along a right-of-way line connecting said line of Kaley Avenue with the Westerly right-of-way line of S.R. #527 (South Orange Avenue) 16.0 feet to said Westerly right-of-way line of S.R. #527; thence South 01 degrees 00 minutes 00 seconds East along said line of S.R. #527, 68.04 feet to the P.C. Therein being a curve concave to the Westerly having a radius of 2824.79 feet and having a central angle of 00 degrees 35 minutes 16 seconds, run thence along the arc of said curve, being still along said right-of-way line of S.R. #527 28.97 feet to a point; run thence West 141.25 feet to the point and place of BEGINNING.

PARCEL 2

Lot 3, Block "A", ILEXHURST SUBDIVISION, described as follows: Begin at the Northwest corner of Lot 3, Block "A", ILEXHURST SUBDIVISION, as recorded in Plat Book "G", Page 67, Public Records of Orange County, Florida; run thence along the North line of said Lot 3, East 141.25 feet to a point on the Westerly right-of-way line of State Road No. 527, said point being on the arc of a curve concave to the Westerly, having a radius of 2824.79 feet and a central angle of 01 degrees 06 minutes 56 seconds; thence with a chord bearing of South 00 degrees 08 minutes 44 seconds West run along the arc of said curve, being along said line of S.R. #527, 55.0 feet; thence West 141.29 feet; thence North 00 degrees 11 minutes East 55.0 feet to the Point of Beginning.

28635

LAND SALE 4



PROPERTY TYPE	Vacant Commercial, Mixed-Use Land
RECORDED	A: O.R. Document 20160206892, Orange County, Florida B: O.R. Document 20160209117, Orange County, Florida
GRANTOR	A: Marie E. Henkel, Trustee B: Donald W. and Jacqueline A. Hoevenaar, Trustees
GRANTEE	Pineloch Orange, LLC
SALE DATE	April 20, 2016
SALE PRICE	A: $ 600,000 B: $ 400,000 Total: $1,000,000
ANALYSIS	$37.68 per Gross and Net Square Foot
LOCATION	The property is located on the southeast corner of South Orange Avenue and East Muriel Street and the north side of East Grant Street three blocks north of East Michigan Street and three blocks south of East Kaley Street in Orlando, Orange County, Florida 32806.

LAND SALE 4
(Cont'd)

SITE DESCRIPTION	Shape:	Irregular
	Size:	26,539± square feet or 0.61± acres, all usable
	Corner:	Yes
	Frontage:	97.80' on ES S Orange Ave, 50' on SS E Muriel St, 50; on NS E Grant St.
	Utilities:	All Available
	Topography:	Level

IMPROVEMENT DESCRIPTION	Vacant Land
ZONING	MU-1/T/SP, Mixed-Use /Traditional City/Specially Planned Area, Orlando (15 to 30 du/acre and/or 0 to 0.50 FAR)
FUTURE LAND USE	Mixed-Use Corridor Medium, Orlando (15 to 30 du/acre and/or 0.50 FAR)
TYPE OF INSTRUMENT	Trustee's Deeds
INTEREST CONVEYED	Fee Simple
CONDITIONS OF SALE	Arm's Length (See Comments)
FINANCING	Cash to Seller
MOTIVATIONS OF PARTIES	Typical of market
CASH EQUIVALENCY	No adjustments required
EASEMENTS	None noted on deed; typical easements assumed for drainage and utilities.
PRESENT USE	Vacant land
HIGHEST AND BEST USE	Commercial or mixed use development
INSPECTION DATES	October 14, 2016
VERIFICATION	
With/Relationship:	Joe Schuemann, Blurock, grantee representative
Telephone	(407) 319-6834
Date:	October 18, 2014
Verified by:	Mary T. Leadon

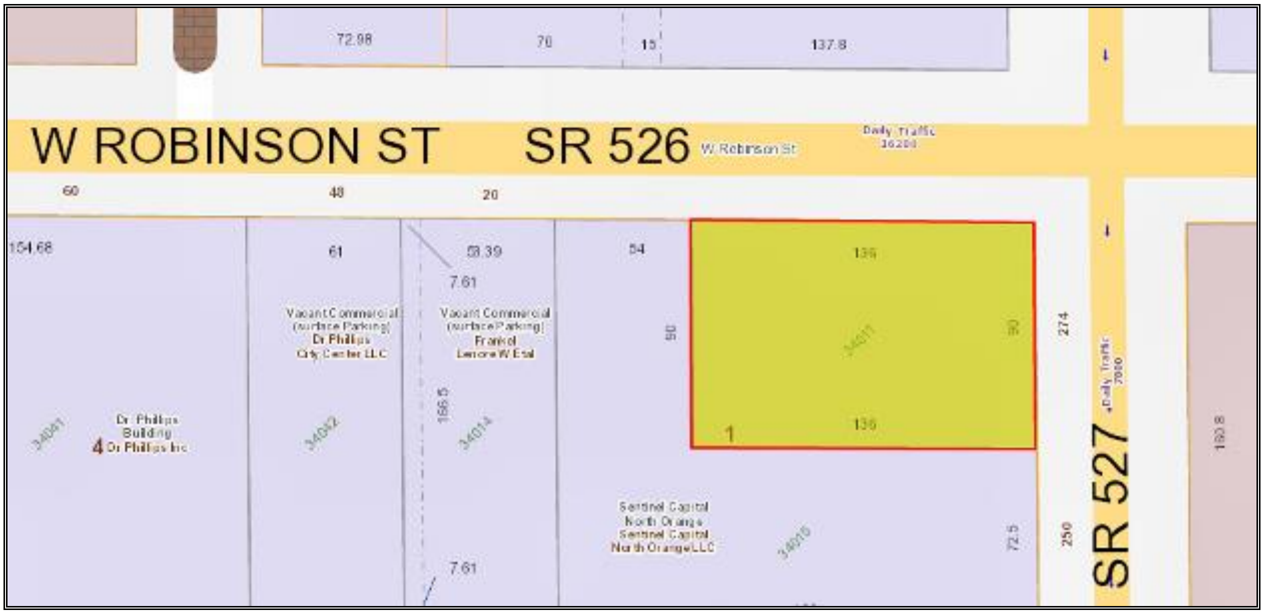
28635
Page 3

LAND SALE 4
(Cont'd)

COMMENTS	The grantee will build a one-story, multi-tenant retail building with rear parking. As of October 18, 2014 they have obtained leases with Verizon, a mattress store and a burger restaurant at an average rental rate of $40 per square foot triple net.
SALE HISTORY	A corrective deed for Lot 11 was filed on May 17, 2016 in Document 20160267754 to correct the name of the grantor. There were no other sales noted on the Orange County Property Appraiser's records in the past three years.
TAX ID NUMBER	01-23-29-5872-02-100, 110, -120 and 0170
LEGAL DESCRIPTION	Lots 10, 11, 12 and 17, Block B (less road on west), Myrtle Heights, Plat Book E, Page 94, Public Records of Orange County, Florida.

28439

LAND SALE 5


72.98
70
15
137.8
W ROBINSON ST
SR 526
W Robinson St
Daily Traffic 36200
60
48
20
154.68
61
58.39
7.61
54
136
Vacant Commercial (surface Parking) Dr Phillips City Center LLC
Vacant Commercial (surface Parking) Frankel Lenore W Etal
50
34017
90
274
Daily Traffic 7080
Dr Phillips Building
4 Dr Phillips Inc
34041
34042
156.5
34014
136
1
Sentinel Capital North Orange Sentinel Capital North Orange LLC
34016
7.61
72.5
250
SR 527
150.8

PROPERTY TYPE	Vacant Commercial Land
RECORDED	O.R. Book 10697, Page 0937, Orange County, Florida
GRANTOR	Centennial Bank
GRANTEE	Dr. Phillips City Center, LLC
SALE DATE	January 31, 2014
SALE PRICE	$639,900
ANALYSIS	$58.01 per Gross and Net Square Foot
LOCATION	The property is located on the southwest corner of North Orange Avenue and West Robinson Street in downtown Orlando at 274 North Orange Avenue in Orange County, Florida 32801.
SITE DESCRIPTION	Shape: Rectangular Size: 11,031± square feet or 0.253± acres, all usable Corner: Yes Frontage: 90’ on WS N Orange Ave, 136’ on SS W Robinson St. Utilities: All Available Topography: Level

LAND SALE 5
(Cont'd)

IMPROVEMENT DESCRIPTION	Vacant Land
ZONING	AC-3A/T, Downtown Metropolitan Activity Center/Traditional City, Orlando (75 – 200 du/acre and/or 0.75 – 3.0 FAR)
FUTURE LAND USE	D-AC, Downtown Activity Center, Orlando (75 - 200 du/acre and/or 0.75 – 4.0 FAR)
TYPE OF INSTRUMENT	Special Warranty Deed
INTEREST CONVEYED	Fee Simple
CONDITIONS OF SALE	Arm's Length
FINANCING	Cash to Seller
MOTIVATIONS OF PARTIES	Typical of market
CASH EQUIVALENCY	No adjustments required
EASEMENTS	None noted on deed; typical easements assumed for drainage and utilities.
PRESENT USE	Vacant land
HIGHEST AND BEST USE	Commercial or mixed use development
INSPECTION DATES	April 8, 17 and 27, 2016
VERIFICATION	
With/Relationship:	Kenneth Robinson, grantee representative
Telephone	(407) 422-6105
Date:	Did not return our calls
Verified by:	Mary T. Leadon
COMMENTS	The parcel was previously improved with a one-story office attached to the bank building to its south. That structure was later demolished. The grantee subsequently listed it for "retail/office, build to suit or ground lease."

LAND SALE 5
(Cont'd)

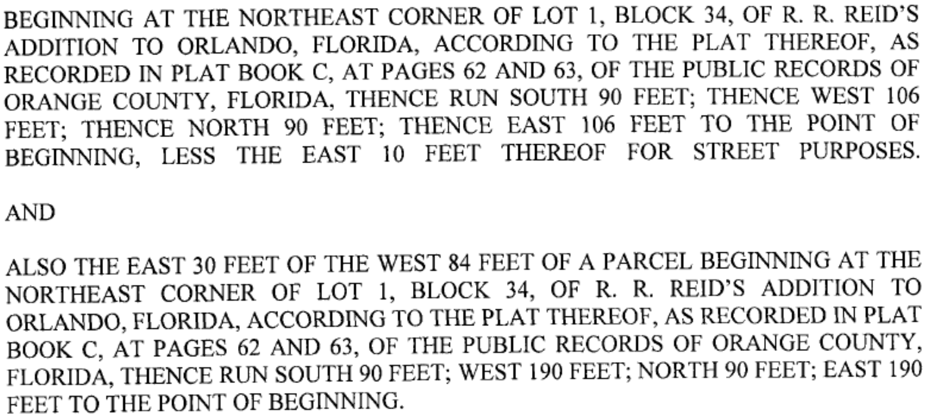
SALE HISTORY

The sale property previously transferred along with several adjacent parcels in a Certificate of Title on September 21, 2012 as recorded in OR Book 10457, Page 2639 of the Orange County Public Records. There were no other sales noted on the Orange County Property Appraiser's records in the past three years.

TAX ID NUMBER

26-22-29-7352-34-011

LEGAL DESCRIPTION



BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 34, OF R. R. REID'S ADDITION TO ORLANDO, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK C, AT PAGES 62 AND 63, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, THENCE RUN SOUTH 90 FEET; THENCE WEST 106 FEET; THENCE NORTH 90 FEET; THENCE EAST 106 FEET TO THE POINT OF BEGINNING, LESS THE EAST 10 FEET THEREOF FOR STREET PURPOSES.

AND

ALSO THE EAST 30 FEET OF THE WEST 84 FEET OF A PARCEL BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 34, OF R. R. REID'S ADDITION TO ORLANDO, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK C, AT PAGES 62 AND 63, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, THENCE RUN SOUTH 90 FEET; WEST 190 FEET; NORTH 90 FEET; EAST 190 FEET TO THE POINT OF BEGINNING.

LAND SALES ANALYSIS GRID

LAND SALES COMPARISON ANALYSIS

15,429 Square Feet (0.35 Acres) of Commercial Land
1912 S Orange Avenue, Orlando, Orange County, Florida

	Subject	Land Sale 1	Land Sale 2	Land Sale 3	Land Sale 4	Land Sale 5
CRM SALE #	**N/A**	**28545**	**28546**	**28675**	**28635**	**28439**
USE	Commercial	Commercial	Commercial	Commercial	Commercial	Commercial
LOCATION	NWC of S Orange Avenue	SEC of S. Orange Avenue	ES of S. Orlando Ave	SWC of S. Orange Avenue	SEC of S. Orange Avenue	SWC of N Orange Avenue
	& E. Esther Street	& E. Harding Street	S of Orange Ave	& W. Kaley Street	& E. Muriel Street	& W. Robinson Street
	Orlando	Orlando	Orlando	Orlando	Orlando	Orlando
	Orange Co, FL	Orange Co, FL	Orange Co, FL	Orange Co, FL	Orange Co, FL	Orange Co, FL
SALES INFORMATION						
Date of Sale/Value	June 1, 2016	April 8, 2016	October 20, 2015	August 4, 2014	April 20, 2016	January 31, 2014
Sale Price	NA	$1,750,000	$2,100,000	$900,000	$1,000,000	$639,900
Net Square Feet	15,429	44,756	59,415	26,651	26,539	11,031
Net Acres	0.35	1.03	1.36	0.61	0.61	0.25
Access / Visibility	Good	Good	Good	Good	Good	Good
Zoning / FLU	AC-N-T-SP / MUC-MED	PD / Mixed Use	O-1 / Office Professional	AC-N/T/SP, O-2 / Office-MED, MUC-MED	MU-1/T/SP & MUC Med	AC-3A/T / Downtown Activity Center
Shape / Topography	Rectangular	Rectangular	Rectangular	Mostly Rectangular	Irregular	Rectangular
Topography	Level/Road Grade	Level/Road Grade	Level/Road Grade	Level/Road Grade	Level/Road Grade	Level/Road Grade
Utilities / Services	Available	Available	Available	Available	Available	Available
Price/Square Foot		$39.10	$35.34	$33.77	$37.68	$58.01
PRIMARY ADJUSTMENTS						
Property Rights	Fee Simple	0.0%	0.0%	0.0%	0.0%	0.0%
Financing Terms	Cash Equivalent	0.0%	0.0%	0.0%	0.0%	0.0%
Conditions of Sale	Arm's Length	0.0%	0.0%	0.0%	0.0%	0.0%
Market Conditions	Increasing	0.0%	5.0%	10.0%	0.0%	10.0%
Net Primary Adjustment	N/A	0.0%	5.0%	10.0%	0.0%	10.0%
Adjusted Price/SF	N/A	$39.10	$37.11	$37.15	$37.68	$63.81
OTHER ADJUSTMENTS						
Location/Access/Visibility	Orlando / S. Orange Ave	0%	0%	0%	0%	-15%
Property Size (SF)	15,429	15%	15%	5%	5%	0%
Zoning / FLU	AC-N-T-SP / MUC-MED	0%	0%	0%	0%	-5%
Shape / Topography	Rectangular/Level	0%	0%	0%	15%	0%
Utilities / Services	Available	0%	0%	0%	0%	0%
Contributory Value of Improvements	Vacant Land	0%	0%	-5%	0%	0%
Net Other Adjustment		15%	15%	0%	20%	-20%
Final Adjusted Price/SF		$44.97	$42.68	$37.15	$45.22	$51.05

Statistical Data

Median	$44.97
Mean	$44.21
High	$51.05
Low	$37.15
Standard Deviation	$5.01

"AS IF VACANT" LAND VALUE

Net Square Feet	Indicated Value/SF	Estimated Value	ROUNDED
15,429	$45.00	$694,305	**$700,000**

Discussion of Adjustments

Typically, the preferred method for supporting adjustments to account for applicable differences between a subject and comparable sales is to utilize sale/resale comparisons or direct comparison of two properties similar to the subject that differ in a single characteristic. Often, market research for a given project does not reveal these types of transactions. In other cases, there are an insufficient number of sales found to measure the difference, or, sufficient details of the sales are unknown to the appraiser. In some cases, even the analysis of a large body of sales data does not provide a sufficient basis for certain specific adjustments for some elements of comparison. In those instances, the application of adjustments must be based on the appraisers' past experience of market transactions of similar properties, and his or her judgment guided by accepted market real property principles. Where paired sales analysis was available, it has been used; otherwise, the appraiser has relied on experience, best judgment, and accepted real property market principles. While many property characteristics have been considered, only those warranting an adjustment or special discussion have been presented below.

Market Conditions

The Downtown Orlando market has seen positive appreciation and demand over the last few years. We have considered adjustments to the comparable sales to account for the passage of time or changes in market conditions. Our research indicated that there has been moderate price appreciation beginning roughly in the beginning of 2012 and accelerated price appreciation over the last few years from January 2014 through June 2016. Land Sales 2, 3, and 5 were deemed to necessitate an adjustment in this instance.

Land Size

The subject property contains about 15,429 square feet in a mostly rectangular configuration. Generally, the size of a property has an inverse relationship with unit values. This is due to a greater pool of purchasers available to purchase and utilize a smaller property. Land Sales 1, 2, 3 and 4 were each larger than the subject and were deemed to require an upward adjustment, albeit, to varying degrees.

Zoning/Future Land Use

The subject property has a non-restrictive zoning and land use designation which permits a wide range of intensive residential, office, and retail uses. Each of the sales used in our analysis had similar zoning designations. However, Land Sale 5 had a more intensive Downtown Activity Center future land use designation. This designation would permit more intensive vertical development and is considered more desirable than that of the subject's. Therefore, we have applied a downward adjustment to Land Sale 5.

Shape/Topography

The subject property has a rectangular and non-restrictive configuration. Land Sales 1, 2, 3 and 5 were similar in this regard and did not require adjustment. Land Sale 4 had a flag shaped configuration, comprised of a main corner tract and two interior parcels used for rear parking and access. This was considered inferior to the subject and an upward adjustment has been applied.

Contributory Value of Improvements

The subject land value considers the value of the subject property as a vacant, development ready, parcel. Land Sale 3 transferred with improvements related to a former gas station that have been repurposed for an interim use as a window tinting business. Per discussions with the grantee, the improvements were given minimal consideration of $15,000-$20,000. Therefore, we have made a downward adjustment to account for the reported contributory value of the in place improvements. The remaining sales did not require any such adjustment.

INDICATED VALUE BY THE SALES COMPARISON APPROACH

The unadjusted unit sale price range for the sales ranged from $33.77 to $58.01 per net square foot of land area. After adjustments, the value indications range was narrowed to $37.15 to $51.05 per net square foot of land area.

All of the comparable sales were considered good indicators of value and were indicative of substitutions for the subject site. We have given consideration to each of the sales used in our analysis.

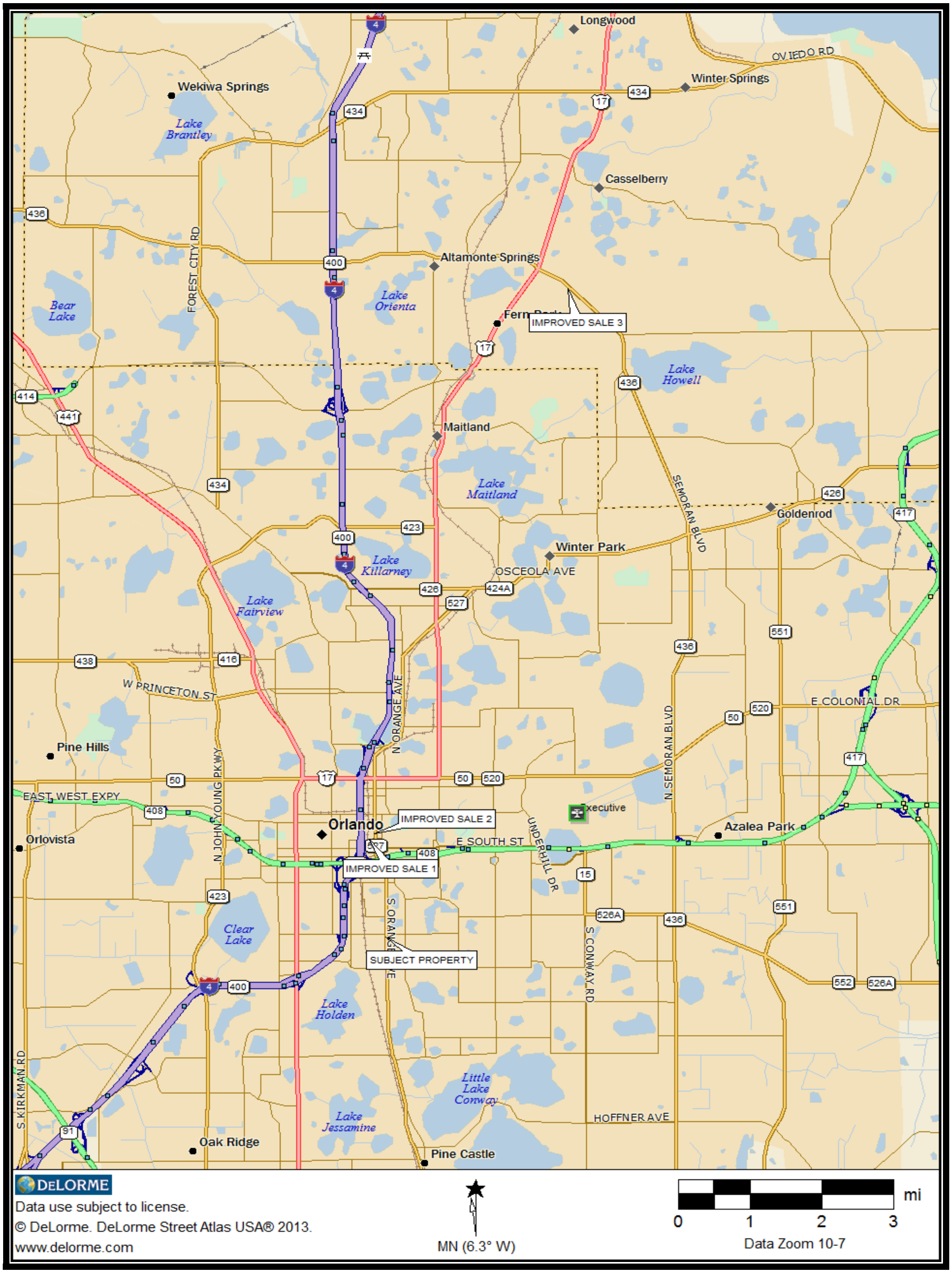
Based on the aforementioned analysis, we have estimated the market value of the subject site by means of the Sales Comparison Approach to be $45.00/Square Foot x 15,429 Net Square Feet of land area = $694,305, or **$700,000 Rounded**, since the market tends to deal in round numbers.

335 SALES COMPARISON APPROACH-IMPROVED VALUE

We have located improved bar/nightclub sales considered to be the best available alternatives to the subject property as improved based on the principle of substitution of recent sales that have sold within the last few years.

Improved properties similar to the subject are typically purchased on a price per square foot of leasable area. Therefore, we have elected to use this as the primary unit of comparison for this analysis. Based on our survey of comparable improved sales, we have chosen the following sales as being the most comparable to the subject. Each sale was considered to have a similar highest and best use as the subject as improved. Each sale has been described below.

IMPROVED SALES MAP


Longwood
Winter Springs
OVIEDO RD
Wekiwa Springs
Lake Brantley
Casselberry
Altamonte Springs
Lake Orienta
Bear Lake
FOREST CITY RD
Fern Park
IMPROVED SALE 3
Lake Howell
Maitland
Lake Maitland
SEMORAN BLVD
Goldenrod
Winter Park
OSCEOLA AVE
Lake Killarney
Lake Fairview
W PRINCETON ST
E COLONIAL DR
N ORANGE AVE
Pine Hills
EAST WEST EXPY
N JOHN YOUNG PKWY
N SEMORAN BLVD
Executive
Orlando
IMPROVED SALE 2
Azalea Park
Orlovista
E SOUTH ST
UNDERHILL DR
IMPROVED SALE 1
S ORANGE AVE
SUBJECT PROPERTY
Clear Lake
S CONWAY RD
Lake Holden
Little Lake Conway
HOFFNER AVE
S KIRKMAN RD
Lake Jessamine
Oak Ridge
Pine Castle
DELORME
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340 COMPARABLE SALES - IMPROVED

28673

IMPROVED SALE 1

TYPE OF PROPERTY	Bar/Club/Restaurant
RECORDED	Instrument No. 20160302322, Orange County, Florida
GRANTOR	Tslf Church Street Depot LLC
GRANTEE	Ferg's Depot LLC
SALE DATE	June 3, 2016
SALE PRICE	$2,978,600
ANALYSIS	$371.91 per SF
LOCATION	The property is located at 76-78 Church Street, Orlando, Orange County, Florida.

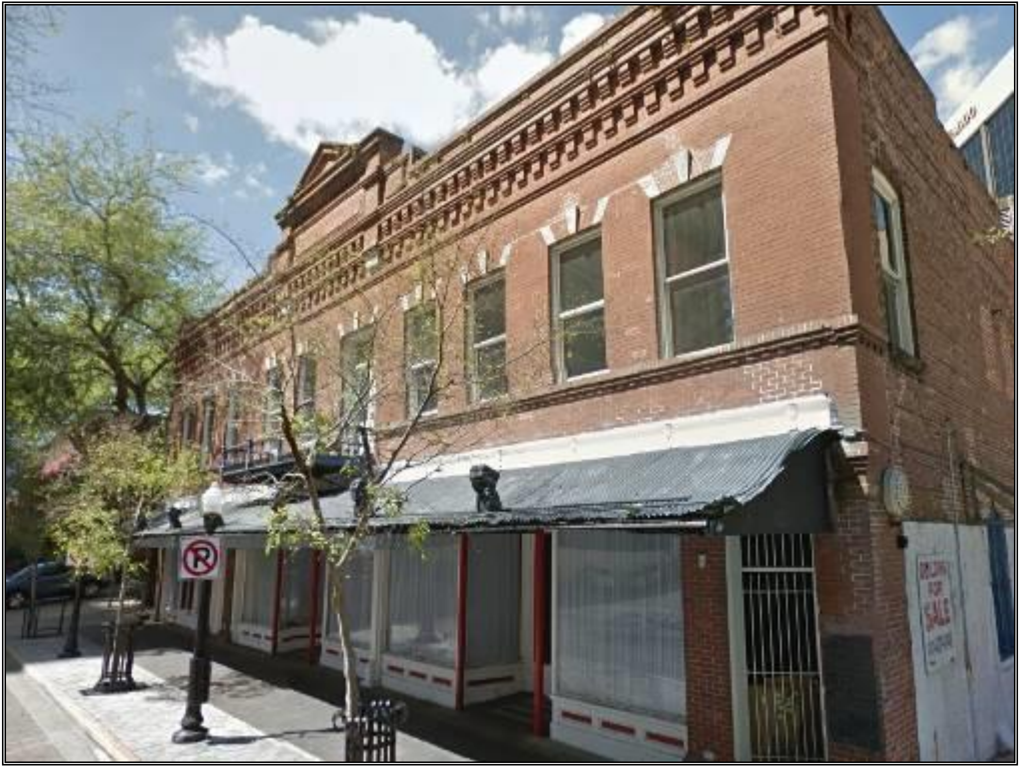
IMPROVED SALE 1
(Cont'd)

SITE DESCRIPTION	Shape:	Irregular
	Size (Net SF):	23,413
	Corner:	No
	Frontage:	75.22' Along SS of W. Church Street, 327' ES of railroad right of way
	Utilities:	All Available
	Topography:	Level
IMPROVEMENT DESCRIPTION	Building Size	8,009± SF GLA, 15,898± SF GBA
	Number of Floors	Three story, primary use on ground floor
	Year Built	1889, recently renovated
	Construction	Masonry
	Condition	Good
	Land to building ratio	2.9: 1 (Net Land Area)
ZONING		AC-3A-T-HP-MA, Orlando
FUTURE LAND USE		Downtown Activity Center, Orlando
TYPE OF INSTRUMENT		Warranty Deed
INTEREST CONVEYED		Fee Simple
CONDITIONS OF SALE		Arm's Length
FINANCING		Cash to Seller
MOTIVATIONS OF PARTIES		Typical of market
CASH EQUIVALENCY		No adjustments required
EASEMENTS		None
PRESENT USE		Bar/Club
HIGHEST AND BEST USE		Continued use as improved
VERIFICATION		
With/Relationship:		Public Records, Deed, Lender Rep, William Lazenby
Phone:		727-362-6151
Date:		October 28, 2016
Verified by:		Joseph W. Machovina

IMPROVED SALE 1
(Cont'd)

COMMENTS	The property was reported to be in good condition at the time of sale. The grantee exercised a purchase option as they were an existing tenant. The property is currently owner occupied as Ferg's Depot. The Depot today consists of several original buildings and train platforms that house three dining rooms, 4 bars, a courtyard, an outdoor covered Oyster bar, private party space and areas for games and entertainment.
SALE HISTORY	There were no arm's length transactions on the Orange County Property Appraiser's records in the last three years.
TAX ID NUMBER	26-22-29-8148-00-001, 26-22-29-8405-00-051
LEGAL DESCRIPTION	Lengthy and retained in appraiser's work file

IMPROVED SALE 2



TYPE OF PROPERTY	Vacant Retail Space / Former Club
RECORDED	Instrument No. 20160308029, Orange County, Florida
GRANTOR	Katsur Mortgage Holdings Inc
GRANTEE	Divest Capital, L.C.
SALE DATE	June 8, 2016
SALE PRICE	$1,600,000
ANALYSIS	$152.03 per SF of GLA
LOCATION	The property is located at 13 W. Pine Street, Orlando, Orange County, Florida.
SITE DESCRIPTION	Shape: Irregular Size (Net SF): 6,179 Corner: No Frontage: 87.00’ Along NS of W. Pine Street Utilities: All Available Topography: Level

28676
Page 2

IMPROVED SALE 2
(Cont'd)

IMPROVEMENT DESCRIPTION	Building Size	10,524± SF GLA, 11,524± SF GBA
	Number of Floors	Two story, Retail on ground floor, second floor office space
	Year Built	1925, recently renovated
	Construction	Masonry
	Condition	Below Average, See Comments
	Land to building ratio	0.6: 1 (Net Land Area)

ZONING	AC-3A-T-HP, Orlando
FUTURE LAND USE	Downtown Activity Center, Orlando
TYPE OF INSTRUMENT	Warranty Deed
INTEREST CONVEYED	Fee Simple
CONDITIONS OF SALE	Arm's Length
FINANCING	Cash to Seller
MOTIVATIONS OF PARTIES	Typical of market
CASH EQUIVALENCY	No adjustments required
EASEMENTS	None
PRESENT USE	Vacant Retail/Office Space
HIGHEST AND BEST USE	Continued use as improved

VERIFICATION

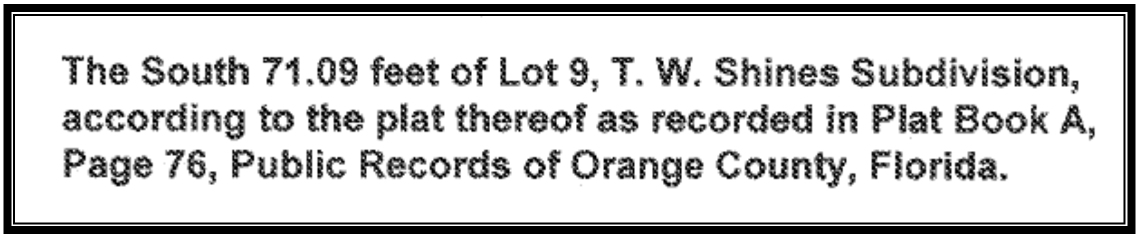
With/Relationship:	Ted Estes, Deed, Grantee
Phone:	407-426-9500
Date:	October 28, 2016
Verified by:	Joseph W. Machovina

COMMENTS

The property was reported to be in below average condition at the time of sale. The grantee is the owner of an adjacent property and purchased the sale property as an investment. The owner plans to occupy the second floor office space and lease out the ground floor retail space. Per Mr. Estes, the property was purchased in need of a new roof, new ac system, and new floors and wall coverings. A cost of the needed renovations was not provided.

IMPROVED SALE 2
(Cont'd)

SALE HISTORY	There were no arm's length transactions on the Orange County Property Appraiser's records in the last three years.
TAX ID NUMBER	26-22-29-7996-00-090
LEGAL DESCRIPTION	



The South 71.09 feet of Lot 9, T. W. Shines Subdivision, according to the plat thereof as recorded in Plat Book A, Page 76, Public Records of Orange County, Florida.

IMPROVED SALE 3

TYPE OF PROPERTY	Bar/Restaurant/Gentleman's Club
RECORDED	O.R. Book 8367, Page 0661, Seminole County, Florida
GRANTOR	DB Phase One, LLC
GRANTEE	GD Phase 1, LLC
SALE DATE	November 14, 2014
SALE PRICE	$1,900,000
ANALYSIS	$176.33 per SF of GLA
LOCATION	The property is located at 401 E. State Road 436 (E. Semoran Boulevard), Casselberry, Seminole County, Florida.

IMPROVED SALE 3
(Cont'd)

SITE DESCRIPTION

Shape: Irregular
Size (Net SF): 96,268± SF, 2.21± Acres
Corner: Yes
Frontage: 182' Along Southwest Side of SR 436, 497' Southeast side of Fern Park Boulevard
Utilities: All Available
Topography: Level

IMPROVEMENT DESCRIPTION

Building Size	9,851± SF GLA, 10,775± SF GBA
Number of Floors	Two story
Year Built	1973, 1990 renovated
Construction	Wood Framing
Condition	Good
Land to building ratio	8.90: 1 (Net Land Area)

ZONING	MUD-HDC, Casselberry
FUTURE LAND USE	Mixed Use Development, Casselberry
TYPE OF INSTRUMENT	Special Warranty Deed
INTEREST CONVEYED	Fee Simple
CONDITIONS OF SALE	Arm's Length
FINANCING	Cash to Seller
MOTIVATIONS OF PARTIES	Typical of market
CASH EQUIVALENCY	No adjustments required
EASEMENTS	None
PRESENT USE	Vacant Retail/Office Space
HIGHEST AND BEST USE	Continued use as improved

VERIFICATION

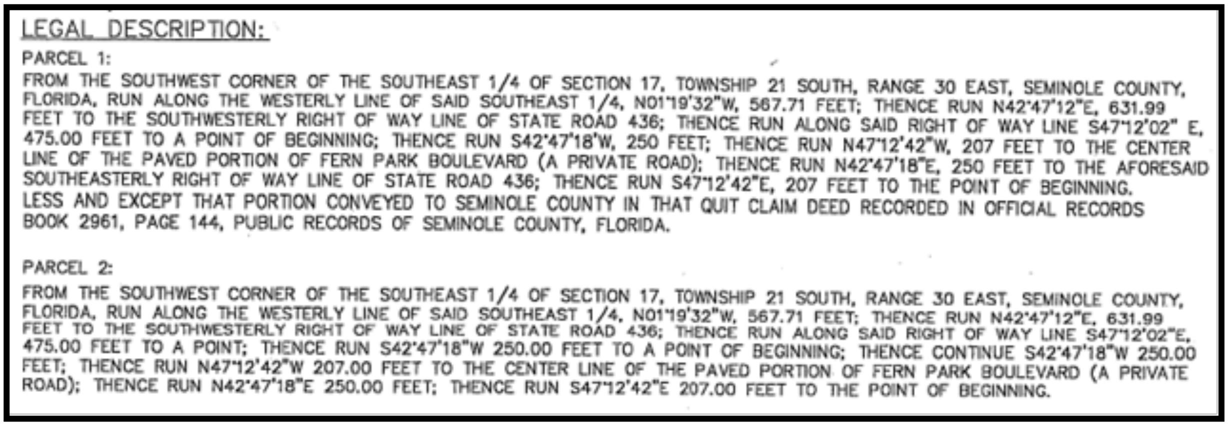
With/Relationship: Douglas Bangle, Grantor, Costar, Deed, CRM File 13-098
Phone: 407-767-2977
Date: Pending
Verified by: Joseph W. Machovina

28674
Page 3

IMPROVED SALE 3
(Cont'd)

COMMENTS	The subject site is improved with a free standing single-tenant commercial building that was originally constructed in 1973 of frame construction with a stucco finish. The building consists of about 9,851 square feet of gross leasable area and is currently laid out as a gentlemen's club or an adult night club with a full scale commercial kitchen and restaurant. There are 162 parking spaces on-site which include three handicap spaces and two limo spaces. The building has a seating capacity for 350 people according to the business license issued from the City of Casselberry. The size of the subject property was estimated by measurements taken by the appraiser. We have attempted to contact the grantor, but have not received a reply as of the date of this write-up. We previously appraised the sale property in April of 2013 (CRM File Number 13-098).
SALE HISTORY	There were no arm's length transactions on the Orange County Property Appraiser's records in the last three years.
TAX ID NUMBER	17-21-30-300-025Q-0000

LEGAL DESCRIPTION



LEGAL DESCRIPTION:

PARCEL 1:

FROM THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, RUN ALONG THE WESTERLY LINE OF SAID SOUTHEAST 1/4, N01°19'32"W, 567.71 FEET; THENCE RUN N42°47'12"E, 631.99 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD 436; THENCE RUN ALONG SAID RIGHT OF WAY LINE S47°12'02" E, 475.00 FEET TO A POINT OF BEGINNING; THENCE RUN S42°47'18'W, 250 FEET; THENCE RUN N47°12'42"W, 207 FEET TO THE CENTER LINE OF THE PAVED PORTION OF FERN PARK BOULEVARD (A PRIVATE ROAD); THENCE RUN N42°47'18"E, 250 FEET TO THE AFORESAID SOUTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 436; THENCE RUN S47°12'42"E, 207 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT THAT PORTION CONVEYED TO SEMINOLE COUNTY IN THAT QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 2961, PAGE 144, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

PARCEL 2:

FROM THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, RUN ALONG THE WESTERLY LINE OF SAID SOUTHEAST 1/4, N01°19'32"W, 567.71 FEET; THENCE RUN N42°47'12"E, 631.99 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD 436; THENCE RUN ALONG SAID RIGHT OF WAY LINE S47°12'02"E, 475.00 FEET TO A POINT; THENCE RUN S42°47'18"W 250.00 FEET TO A POINT OF BEGINNING; THENCE CONTINUE S42°47'18"W 250.00 FEET; THENCE RUN N47°12'42"W 207.00 FEET TO THE CENTER LINE OF THE PAVED PORTION OF FERN PARK BOULEVARD (A PRIVATE ROAD); THENCE RUN N42°47'18"E 250.00 FEET; THENCE RUN S47°12'42"E 207.00 FEET TO THE POINT OF BEGINNING.

IMPROVED SALES ADJUSTMENT GRID

IMPROVED SALES COMPARISON GRID
4,499 SF (GLA) Building
1912 S Orange Avenue, Orlando, Orange County, Florida

CRM SALE #		**28673**	**28676**	**28674**
	Subject	**Improved Sale 1**	**Improved Sale 2**	**Improved Sale 3**
PROPERTY USE	Pulse Nightclub	Ferg's Depot/ Bar/Night Club	Formerly Zen Exotic Club	Rachel's Gentlemen's Club
LOCATION	1912 S. Orange Avenue	76-78 W. Church Street	13 W. Pine Street	401 N. SR 436
	Orlando	Orlando	Orlando	Casselberry
	Orange County, FL	Orange County, FL	Orange County, FL	Seminole County, FL
SALES INFORMATION				
Date of Sale/Value	June-16	June-16	June-16	November-14
Sale Price	N/A	$2,978,600	$1,600,000	$1,900,000
Year Built / Condition	1957, Remodeled 2005	1889, Recent Renovations	1925 / Below Average	1973 / Good
Access/Exposure	Good/Good	Good/Good	Good/Average	Good
Construction	Concrete Block / Masonry	Masonry	Masonry	Wood Framing
Gross Usable Land Area (SF)	15,429	23,413	6,179	96,268
Gross Leasable Area (SF)	4,499	8,009	10,524	9,851
Land to Building Ratio	3.4	2.9	0.6	9.8
Zoning/FLU	AC-N-T-SP / MUC-MED	AC-3A-T-HP-MA / DT-AC	AC-3A/T/HP / DT-AC	MUD-HDC / Mixed Use Development
Utilities/Services	All Available	All Available	All Available	All Available
Price Per SF LBA Before Adjustments		$371.91	$152.03	$192.87
PRIMARY ADJUSTMENTS				
Property Rights	Fee Simple	0.0%	0.0%	0.0%
Financing Terms	Conventional	0.0%	0.0%	0.0%
Conditions of Sale	Arms Length	0.0%	0.0%	0.0%
Market Conditions/Time (Annual)	Increasing	0.0%	0.0%	10.0%
Net Primary Adjustment		0.0%	0.0%	10.0%
Adjusted Price/SF		$371.91	$152.03	$212.16
OTHER ADJUSTMENTS				
Location/Access/Visibility	Downtown Orlando / S. Orange Ave	0%	0%	25%
Age/Condition	1957, Remodeled 2005	0%	25%	0%
Construction	Concrete Block / Masonry	0%	5%	15%
Building Size (Gross SF)	4,499	5%	0%	20%
2nd Floor Office	None	0%	25%	0%
Net Land to Building Ratio	3.43	0%	5%	-10%
Net Other Adjustment		5%	60%	50%
Final Adjusted Price/SF		$390.50	$243.25	$318.24

Indicated Value Per SF	Estimated Value	**ROUNDED**
$370	$1,664,630	**$1,670,000**

350 ANALYSIS OF COMPARABLE SALES AND EXPLANATION OF ADJUSTMENTS - IMPROVED

Discussion of Adjustments

Typically, the preferred method for supporting adjustments to account for applicable differences between a subject and comparable sales is to utilize sale/resale comparisons or direct comparison of two properties similar to the subject that differ in a single characteristic. Often, market research for a given project does not reveal these types of transactions. In other cases, there are an insufficient number of sales found to measure the difference, or, sufficient details of the sales are unknown to the appraiser. In some cases, even the analysis of a large body of sales data does not provide a sufficient basis for certain specific adjustments for some elements of comparison. In those instances, the application of adjustments must be based on the appraiser's past experience of market transactions of similar properties and his or her judgment guided by accepted market real property principles. Where paired sales analysis was available, it has been used; otherwise, the appraiser has relied on experience, related costs, best judgment, and accepted real property market principles. While many adjustments have been considered by the appraiser, only those requiring adjustment or additional discussions have been presented below.

Conditions of Sale

All of the closed transactions used in this appraisal were the result of typically motivated market transactions and no adjustment have been made for conditions of sale.

Market Conditions

The appraisers have made adjustments to the comparable improved sales to account for the passage of time or changes in market conditions. The market conditions for commercial property in the area decreased in pricing in the mid-2008s. Prices began to stabilize in 2012 and have been increasing since then. We have elected to make a positive market conditions adjustment to Improved Sale 3. Improved Sales 1 and 2 each transferred within 30 days of our retrospective date of value and did not require adjustment in this instance.

Location

The subject property is located just south of the core downtown market. Improved Sales 1 and 2 were both situated in the downtown Orlando market area and were considered similar to the subject in terms of locational characteristics. Improved Sale 3 was situated north of the downtown market in a suburban area of Casselberry, Florida. Improved Sale 3 has good visibility and access, but lacks the market appeal of a location within the downtown business district and its related heavy evening and nighttime nightclub traffic. Therefore, we have made a positive adjustment to Improved Sale 3.

Age & Condition

The subject property was constructed in 1957, with major renovations occurring in 2005. Please note that the subject has received ongoing maintenance as well. The building was assumed to be in good condition. Improved Sales 1 and 3 were considered similar to the subject in terms of condition and no adjustment has been made. Per discussions with the grantee for Improved Sale 2, we have determined that the property was in need of repairs to the roof, A/C system, floors and wall coverings. This was considered inferior to the subject property and a positive adjustment has been made.

Construction Quality

The subject property was built of concrete block and masonry construction. This was similar to Improved Sales 1 and 2. Improved Sale 3 was built of wood framing. Wood framed structures typically have a lower expected lifespan than masonry and block structures. Therefore, we have applied a positive adjustment to Improved Sale 3 for its inferior construction quality.

Building size

The subject property contains approximately 4,499 gross leasable square feet of building area. Typically, smaller buildings command greater unit prices due to a greater demand provided by a larger pool of potential buyers and end users. We have applied a positive adjustment to Improved Sales 1 and 3 for their larger building areas of 8,009 square feet and 9,851 square feet, respectively. Please note, while Improved Sale 2 was larger than the subject at 10,524 gross leasable square feet, approximately half of the building was comprised of second floor office space. The ground floor retail space for Improved Sale 2 was approximately the same size as the subject property. Therefore, we have elected not to adjust for the building area of Improved Sale 2 and have addressed it separately below.

Second Floor Office Space

The subject is primarily a one story structure with limited second floor office with about 450 square feet of mezzanine space. Improved Sale 2 was a two story structure with the second floor suitable for occupancy. The grantee purchased the property to occupy the second floor as an owner/user and to lease the ground floor space. The second floor does not command the same level of rent and, therefore, will not contribute the same amount of value per square foot as the ground floor. Therefore, we have elected to make a positive adjustment to account for the substandard space present on the second floor.

Net Land to Building Ratio

All things equal, a high land to building ratio is considered superior to a low ratio as it is indicative of the ability to provide an attractive layout with ample parking and green space. The subject has a land to building ratio of 3.43:1. This was considered similar, albeit still slightly superior to Improved Sale 1. Improved Sale 2 had a measurable inferior ratio of 0.6:1 and a positive adjustment was applied. Improved Sale 3 had a large superior land to building ratio of 8.9:1 (suburban location) and a downward adjustment was applied.

INDICATED VALUE OF THE SUBJECT PROPERTY AS IMPROVED BY THE SALES COMPARISON APPROACH

The unadjusted unit sale price range for the improved sales ranged from $152.03 to $371.91 per square foot of leasable building area. After all adjustments, the value indications of the improved sales ranged from $243.25 to $390.50 per square foot of gross leasable building area.

While each of the improved sales used in our analysis were consider competitive alternatives, Improved Sale 1 was deemed to be the most credible value indicator, as the sale required the least amount of adjustment, was used for a similar purpose, and was within 30 days of our date of value. As a result, we estimate that the subject property as improved is accurately correlated at $370.00 per square foot of leasable building area. Therefore, we have estimated the market value of the subject property via the Sales Comparison Approach to be $370.00 x 4,499 square feet of leasable building area, or, $1,664,630. Since the market tends to deal in round numbers, we have rounded this value to, say, **$1,670,000 (R).**

355 RECONCILIATION OF THE SALES COMPARISON APPROACH AS IMPROVED

Improved Property
Via the Sales Comparison Approach **$1,670,000** – As of June 1, 2016, Retrospective Date of Value

360 THE INCOME CAPITALIZATION APPROACH

The Income Capitalization Approach is based upon the premise that a prudent investor would pay no more for one property than they would for another with similar financial risk and return characteristics. Since the value of the investment can be considered to be equal to the present worth of all anticipated future benefits, dollar income, or amenities, this approach estimates the market value of the net income the property is capable of producing. The net operating income is then capitalized at an overall rate reflecting the property's relative risk characteristics. For this appraisal assignment, we have utilized the Direct Capitalization Method to estimate value by the Income Approach. The steps we will follow in this method are:

1. Revenue Analysis
2. Expense Analysis
3. Net Income Calculation
4. Capitalization of Net Income into a Value Conclusion

365 GROSS RENT ESTIMATE

Lease Information

As of the date of value, June 1, 2016, the subject property was operated as an owner user bar/nightclub. As such, we do not have a subject lease to analyze. Typical lease terms for similar properties are quoted on a triple net or NNN basis. Under this structure, the owner only pays for management and a replacement of long lived items by utilization of a reserve fund. The tenant pays for all operating expenses including real estate taxes, insurance, and utilities.

Potential Gross Income

The first step in the Income Approach is to estimate the gross potential income in the form of a market rental rate of which the subject property is capable of generating. In order to properly estimate the stabilized market rent of the subject, we conducted a search of comparable bar/nightclub space within the subject's market. Where data of bar and nightclubs was not available, we have used ground floor retail and bar/restaurant space within the downtown market to serve as proxy, as these spaces could be renovated and used for a similar purpose and command similar rent levels. On the following pages we have presented a summary of the selected rents and the adjustment grid used to reconcile at the market rent estimate for the subject. Additionally, we have presented a map showing the location of each of the comparable rents in relation to the subject property.

Correlation

The unadjusted range of unit rental indications for the comparable leases is from $30.00 to $46.25 per square foot of leasable area. After adjustments, the range of unit rental indications for the subject property is from $33.00 to $46.25 per square foot of leasable building area. Adjustments were made to account for influences deemed relevant to directly affect lease levels. The subject property is estimated to command a rent level of $46.00 per square foot on a triple net basis. As discussed previously, under the terms of the subject's leases, the owner is responsible for management and reserves for replacement of long lived structural items only.

Additionally, we will make an expense allotment for offsite parking due to the unique parking situation present for the subject property.

After making adjustments to the comparable rentals, we estimate the market rent for the subject to be $46.00 per square foot per year, or $206,954. The market rental rate estimate is based on a triple net basis with the owner responsible for management and reserves for replacement of long lived structural items. The following table summarizes our estimate of the subject property's potential gross income below:

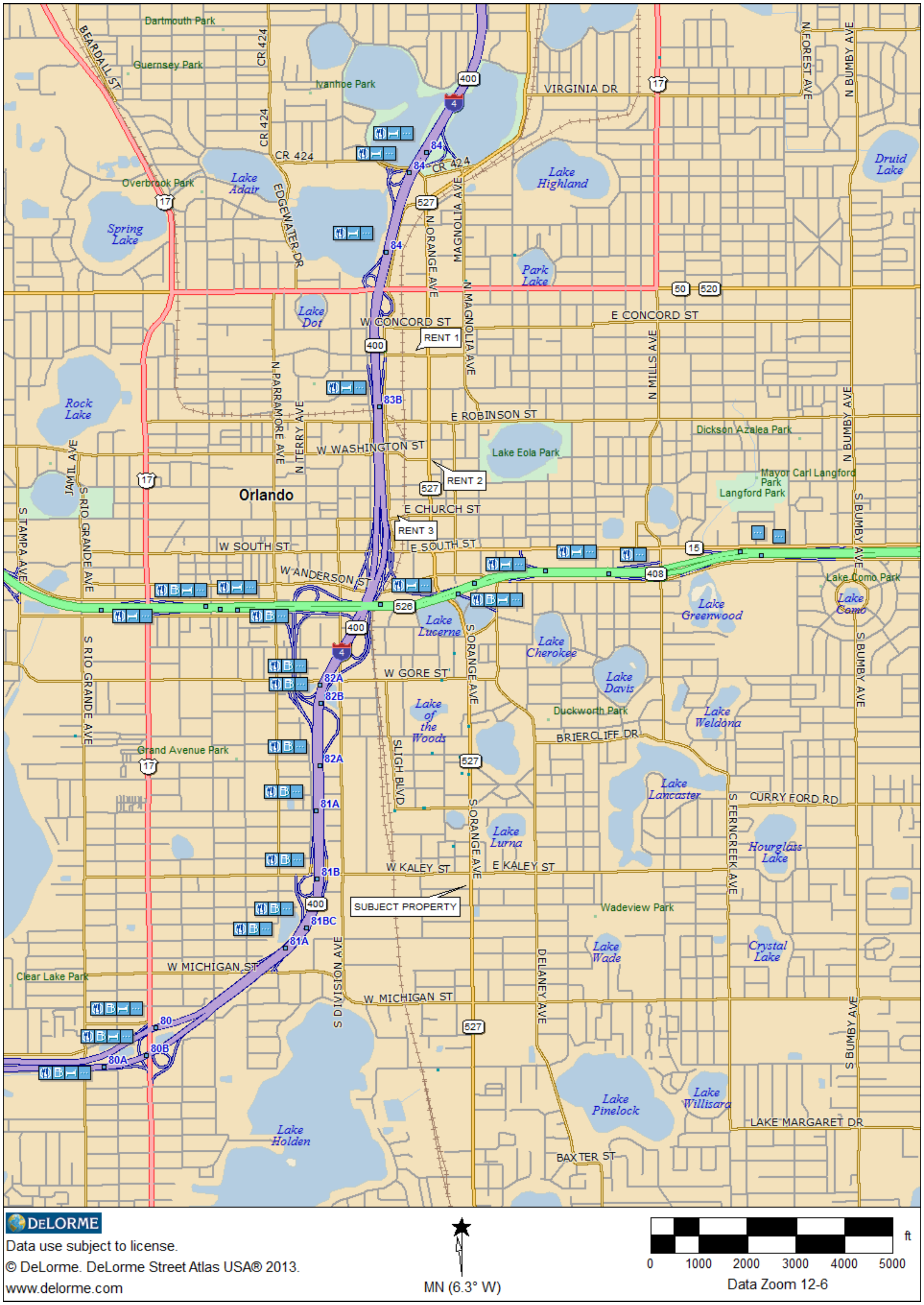
Potential Gross Income

Building	Estimated Market Rent ($/SF)	Building Gross Leasable Area (SF)	Annual Gross Rent (PGI)
Building	$46.00	4,499	$206,954

RENT COMPARABLE GRID

LEASE COMPARABLE SUMMARY: 1912 S. ORANGE AVENUE				
	Subject	**Rent 1 (Listing)**	**Rent 2 (Listing)**	**Rent 3 (Listing)**
Property	**Pulse Nightclub**	**Night Club/Bar**	**Retail Unit/(Bar/Club Use Available)**	**Restaurant/Bar**
Address	1912 S. Orange Avenue Orlando, Orange County, FL	47 W. Amelia Street Orlando, Orange County, FL	14 E. Washington Street Orlando, Orange County, FL	125 W. Church Street, Unit B Orlando, Orange County, FL
Leasable Square Feet	4,499	4,151	1,007-6295	4,666
Lease Rate/SF: Average	N/A	$46.25	$30.00-$42.00	$38.00
Construction Type / Quality	Concrete Block / Good	Concrete Block / Good	Masonry / Average	Concrete Block-Masonry / Average
Age/Condition	1957, Remodeled 2005	1947, Recently Renovated	1942 / Good	1915 / Average
CAM	Tenant Pays All Operating Expenses	Tenant Pays All Operating Expenses	Tenant Pays All Operating Expenses	Tenant Pays All Operating Expenses
Lease Type	NNN	NNN	NNN	Modified Gross- $8.00 Per SF Pass Through Expenses
Expemse Adjustment	N/A	$0.00	$0.00	($8.00)
Adj. Lease Rate/SF	N/A	$46.25	$30.00-$42.00	$30.00
Adjustments:				
Location/Access/Visibility	Good	0%	0%	0%
Building Size	4,499	0%	0%	0%
Quality of Construction	Concrete Block / Good	0%	0%	0%
Age/Condition/Finish	1957, Remodeled 2005	0%	10%	15%
Parking	Limited On-Site	0%	0%	0%
Total Adjustments	N/A	0%	10%	15%
Adj. Lease Rate/SF	N/A	$46.25	$33.00-$46.20	$34.50
	Estimated Subject Market Rent:			**$46.00**

OFFICE RENT COMPARABLES MAP


Dartmouth Park
BEARDALL ST
CR 424
Guernsey Park
Ivanhoe Park
400
4
VIRGINIA DR
17
N FOREST AVE
N BUMBY AVE
84
CR 424
84
Lake Highland
Druid Lake
Overbrook Park
Lake Adair
EDGEWATER DR
527
MAGNOLIA AVE
Spring Lake
84
N ORANGE AVE
Park Lake
50
520
Lake Dot
W CONCORD ST
E CONCORD ST
RENT 1
400
N MAGNOLIA AVE
N MILLS AVE
Rock Lake
N PARRAMORE AVE
N TERRY AVE
83B
E ROBINSON ST
N BUMBY AVE
Dickson Azalea Park
W WASHINGTON ST
Lake Eola Park
JAMIL AVE
S RIO GRANDE AVE
17
RENT 2
Mayor Carl Langford Park
Langford Park
Orlando
527
E CHURCH ST
S TAMPA AVE
S BUMBY AVE
RENT 3
W SOUTH ST
E SOUTH ST
15
W ANDERSON ST
408
Lake Como Park
Lake Como
Lake Greenwood
526
Lake Lucerne
400
S ORANGE AVE
Lake Cherokee
S RIO GRANDE AVE
4
W GORE ST
Lake Davis
S BUMBY AVE
82A
82B
Lake of the Woods
Duckworth Park
Lake Weldona
BRIERCLIFF DR
Grand Avenue Park
82A
SLIGH BLVD
527
17
Lake Lancaster
S FERNCREEK AVE
CURRY FORD RD
81A
S ORANGE AVE
Lake Lurna
Hourglass Lake
81B
W KALEY ST
E KALEY ST
400
SUBJECT PROPERTY
Wadeview Park
81BC
81A
S DIVISION AVE
DELANEY AVE
Lake Wade
Crystal Lake
W MICHIGAN ST
Clear Lake Park
W MICHIGAN ST
527
80
80B
80A
S BUMBY AVE
Lake Pinelock
Lake Willisara
LAKE MARGARET DR
Lake Holden
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RENT COMPARABLE 1

LOCATION	47 W. Amelia Street Orlando, Orange County, Florida
YEAR BUILT/CONDITION	1947, Recently Renovated / Good
BUILDING SIZE (GLA)	4,151 SF
PARKING	Off-Site
EXPENSE STRUCTURE	NNN
	Tenant Pays All Expenses
LEASE RATE	$46.25 per SF (Asking Rate)
COMMENTS	Turnkey opportunity for a Bar, Nightclub or after hours lounge, in the heart of Downtown Orlando. The complex includes two buildings fully turnkey with operational bar, audio, lighting and video in both buildings. Buildings are connected via an outdoor patio area, usable for outdoor entertainment.
VERIFIED WITH	Mike La Rosa – La Rosa Realty, LLC. 407-504-2519

RENT COMPARABLE 2

COMPANY NAME
Orange
Company Name

LOCATION	14 East Washington Street, Ground Floor Retail Orlando, Orange County, Florida
YEAR BUILT/CONDITION	1942 / Good, Recently Renovated
BUILDING SIZE (GLA)	42,088 SF, 6,295 SF (Ground Floor) Suite Sizes – 1,077 – 6,295 SF
PARKING	Off-Site
EXPENSE STRUCTURE	NNN Tenant Pays All Expenses
LEASE RATE	$30.00-$42.00 per SF (Asking Rate)
COMMENTS	The listing agent stated that the ground floor space would be well suited for a bar/nightclub. The varied rental rates correspond to the multiple configurations available. The entire ground floor would command a rate around $30.00-$35.00 per SF. While just the endcap space would command a rate of a $42.00 per SF. All leases are quoted on a NNN Basis.
VERIFIED WITH	Paul Partyka – NAI Realvest 407-875-9989, Ext. 758

RENT COMPARABLE 3 (Listing)

LOCATION	125 W. Church Street, Unit B Orlando, Orange County, Florida
YEAR BUILT/CONDITION	1915/Average
BUILDING SIZE (GLA)	14,717 SF Suite Size – 4,666 SF
PARKING	Off Site
EXPENSE STRUCTURE	Modified Gross Tenant Pays All Expenses ($8.00 Per SF Pass Through)
LEASE RATE	$30.00 per SF, (Asking Rate)
COMMENTS	The leasing agent stated that there have been several interested parties. The owner desires a hospitality user such as a bar or night club at this location that will bring traffic to their other surrounding properties.
VERIFIED WITH	James Layson – Prakas & Company 407-749-3964

370 VACANCY AND COLLECTION LOSS

It is reasonable to expect some loss in income over the upcoming twelve-month period. This loss in income would be a combination of a reduction in the Potential Gross Income due to actual vacancy of the structure as well as the inability of the owner to collect rents from troublesome tenants, thereby reducing potential gross income due to collection losses. As can be seen in the chart below, sourced from the *CBRE Orlando Retail Market Report-1st Quarter 2016*, the total Orlando vacancy rate was 6%, with the Downtown Orlando submarket higher at 8.4%. The subject is located at the south end of the Downtown Orlando submarket. Please note that the above figure only accounts for vacancy loss. We must also account for the problems associated with collecting rent from troublesome tenants. Given the high turnover associated with hospitality uses such as a bar/nightclub, we have estimated the subject vacancy and collection loss to be at 15% of the PGI or $31,043 per year.

Effective Gross Income

Effective Gross Income is 15% less than Potential Gross Income as calculated in the following table.

Effective Gross Income		
Potential Gross Income		$206,954
Vacancy Loss @ Collection	15%	-$31,043
EGI		$175,911

375 EXPENSES AND NET OPERATING INCOME ESTIMATE

Expenses

Before reaching an estimate of net operating income for the subject building, expenses must be deducted from the projected total revenue. Each item of expense has been analyzed individually in an attempt to project what the typical investor in a property like the subject would consider reasonable, based upon informed opinion, judgment and experience. The following is a discussion of the operating expenses which can be expected to be incurred in the operation of the subject property. As discussed earlier, the structure of the typical lease in the subject is quoted on a Triple Net Basis or NNN Basis, where the owner pays only for management expenses and reserves for replacement of long lived items. In the case of the subject, we have also made an allotment for off-site parking.

Parking

The subject property has limited on-site parking. Therefore, the owner has entered into agreements with two adjacent properties to provide the needed parking capacity for continued operation as a bar/nightclub. The first agreement is a like kind agreement whereby the Pulse owners allow the southerly adjacent medical office to use their parking during the daytime business hours in exchange for use of their parking during the evenings when bar and club patrons arrive. We see no reason that this should not be continued as it is mutually beneficial.

The second agreement is a financial lease between the Pulse owners and the northerly adjacent window tinting business. Under the agreement, the subject owners pay $900 per month or $10,800 per year to use the window tinting property's lot as a valet parking lot during the evening. This agreement was considered reasonable, albeit subject to change. Therefore, we have made a $10,800 annual expense deduction for the subject's offsite parking agreement.

Management

Management and leasing expenses are generally based on a percentage of effective gross income. The predominant range for similar income producing properties is from 3% to 5% of effective gross income (EGI) depending upon the management intensities and the requirements of the individual owner. The subject is a single tenant property and would likely have a management cost near the lower end of the range. For this reason, we have estimate the annual management expenses at 3% of EGI or $5,277 per year in this instance.

Reserves for Replacement

Lastly, we have estimated a reserve for replacement of the improvements considering their age, construction quality, and other factors. Structural items such as air conditioning systems, roofing, etc., are replaced by the property owner. We have considered the age and overall condition of the structure. A reserve for replacement for the subject has been estimated to be approximately 5% of EGI, or $8,796 per year.

Total Operating Expenses

Based on the above expense estimates, total operating expenses to the landlord have been estimated at $24,873 per year. Subtracting total expenses from Effective Gross Income, we have arrived at our estimate of Net Operating Income of $151,038 ($175,911 - $24,873 = $151,038).

Net Operating Income

Net operating income is the difference between EGI and total expenses and is calculated as shown in the following table.

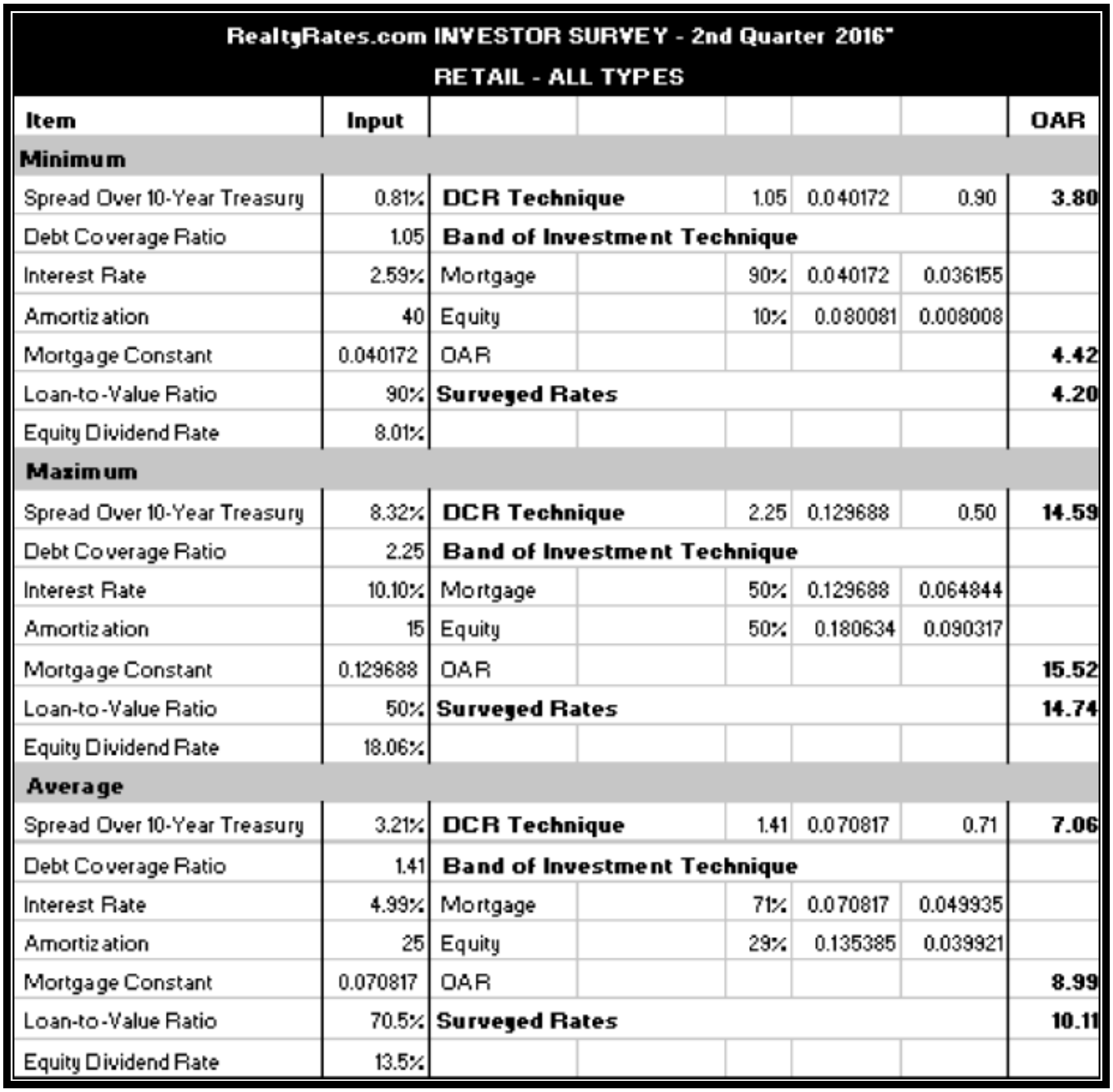
Effective Gross Income	$175,911
Less: Total Expenses	$24,873
Equals: NOI	**$151,038**

380 CAPITALIZATION RATE

Capitalization

Direct capitalization is used to convert an estimate of a single-year's income expectation into an indication of value. This is accomplished by dividing the income estimate by an appropriate capitalization rate. We have utilized the "Band of Investment" technique, investor surveys, and similar sales to estimate an overall capitalization rate for the subject property.

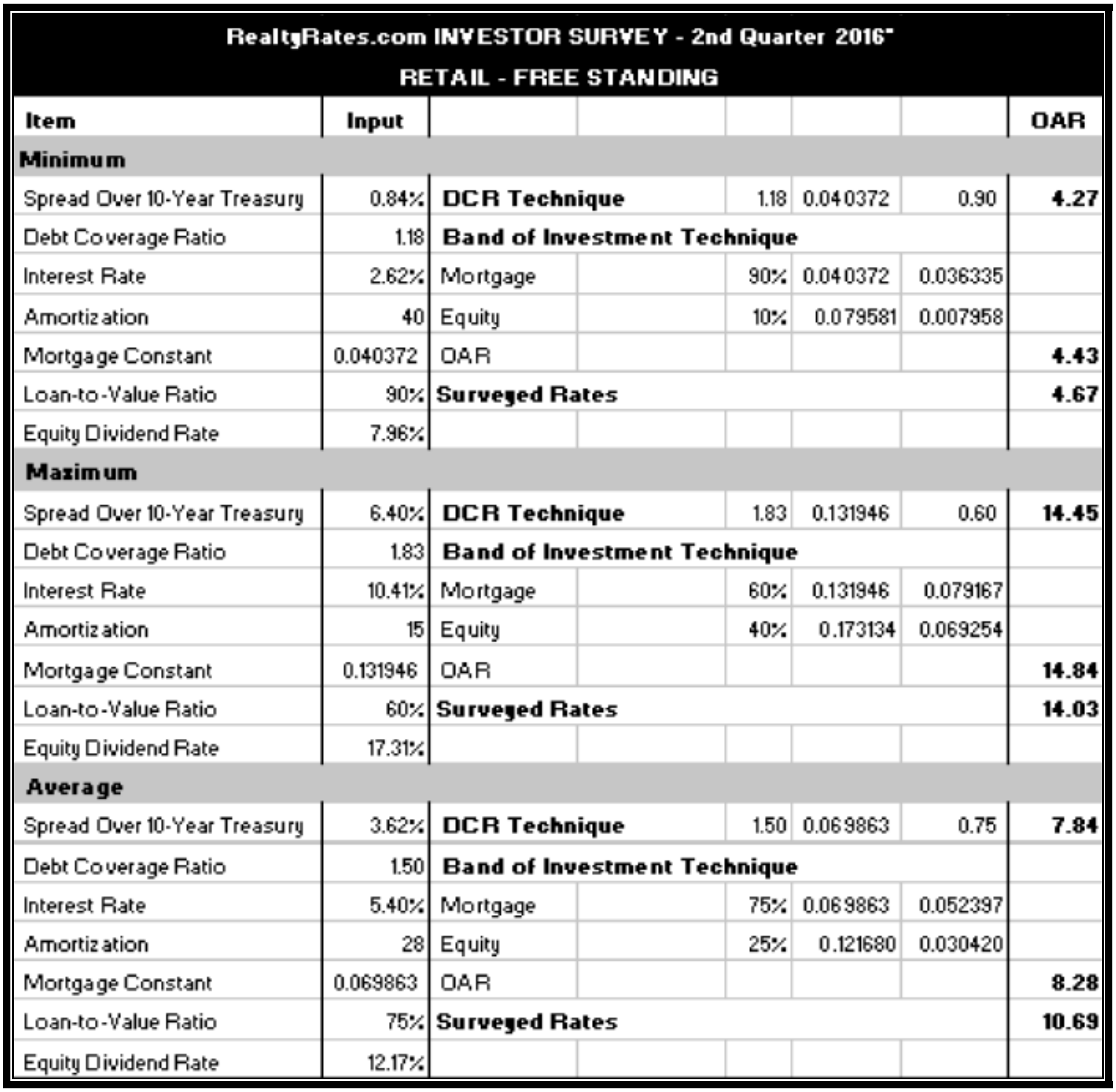
In preparation of an appropriate capitalization rate by the "Band of Investment" technique, we analyzed the risks associated with commercial properties. RealtyRates.com *Investor Survey 2nd Quarter 2016*, reports that mortgage interest rates for all types of retail properties currently range from 2.59% to 7.10.10% with an average of 4.99%. The mortgage interest rates for freestanding retail properties currently range from 2.62% to 10.41% with an average of 5.40%. Considering the subject property's characteristics, the estimated mortgage interest rate is 5.0% with a 25-year amortization. In addition, RealtyRates.com shows a range of overall rates for freestanding properties from 4.43% to 14.84% with an average of 8.28%.



RealtyRates.com INVESTOR SURVEY - 2nd Quarter 2016*

RETAIL - ALL TYPES

Item	Input						OAR
Minimum							
Spread Over 10-Year Treasury	0.81%	**DCR Technique**		1.05	0.040172	0.90	**3.80**
Debt Coverage Ratio	1.05	**Band of Investment Technique**					
Interest Rate	2.59%	Mortgage		90%	0.040172	0.036155	
Amortization	40	Equity		10%	0.080081	0.008008	
Mortgage Constant	0.040172	OAR					**4.42**
Loan-to-Value Ratio	90%	**Surveyed Rates**					**4.20**
Equity Dividend Rate	8.01%						
Maximum							
Spread Over 10-Year Treasury	8.32%	**DCR Technique**		2.25	0.129688	0.50	**14.59**
Debt Coverage Ratio	2.25	**Band of Investment Technique**					
Interest Rate	10.10%	Mortgage		50%	0.129688	0.064844	
Amortization	15	Equity		50%	0.180634	0.090317	
Mortgage Constant	0.129688	OAR					**15.52**
Loan-to-Value Ratio	50%	**Surveyed Rates**					**14.74**
Equity Dividend Rate	18.06%						
Average							
Spread Over 10-Year Treasury	3.21%	**DCR Technique**		1.41	0.070817	0.71	**7.06**
Debt Coverage Ratio	1.41	**Band of Investment Technique**					
Interest Rate	4.99%	Mortgage		71%	0.070817	0.049935	
Amortization	25	Equity		29%	0.135385	0.039921	
Mortgage Constant	0.070817	OAR					**8.99**
Loan-to-Value Ratio	70.5%	**Surveyed Rates**					**10.11**
Equity Dividend Rate	13.5%						



RealtyRates.com INVESTOR SURVEY - 2nd Quarter 2016*

RETAIL - FREE STANDING

Item	**Input**						**OAR**
Minimum							
Spread Over 10-Year Treasury	0.84%	**DCR Technique**		1.18	0.040372	0.90	**4.27**
Debt Coverage Ratio	1.18	**Band of Investment Technique**					
Interest Rate	2.62%	Mortgage		90%	0.040372	0.036335	
Amortization	40	Equity		10%	0.079581	0.007958	
Mortgage Constant	0.040372	OAR					**4.43**
Loan-to-Value Ratio	90%	**Surveyed Rates**					**4.67**
Equity Dividend Rate	7.96%						
Maximum							
Spread Over 10-Year Treasury	6.40%	**DCR Technique**		1.83	0.131946	0.60	**14.45**
Debt Coverage Ratio	1.83	**Band of Investment Technique**					
Interest Rate	10.41%	Mortgage		60%	0.131946	0.079167	
Amortization	15	Equity		40%	0.173134	0.069254	
Mortgage Constant	0.131946	OAR					**14.84**
Loan-to-Value Ratio	60%	**Surveyed Rates**					**14.03**
Equity Dividend Rate	17.31%						
Average							
Spread Over 10-Year Treasury	3.62%	**DCR Technique**		1.50	0.069863	0.75	**7.84**
Debt Coverage Ratio	1.50	**Band of Investment Technique**					
Interest Rate	5.40%	Mortgage		75%	0.069863	0.052397	
Amortization	28	Equity		25%	0.121680	0.030420	
Mortgage Constant	0.069863	OAR					**8.28**
Loan-to-Value Ratio	75%	**Surveyed Rates**					**10.69**
Equity Dividend Rate	12.17%						

Also, in the analysis of the Band of Investment, it is required that we understand the equity requirement of an investor in a property such as the subject. The most recent list of economic indicators published in *Federal Reserve Statistical Release*, June 1, 2016, indicates market rates for U.S. 5-year bond yields of 1.39%, U.S. 10-year bond yields of 1.84%, and corporate bonds (Baa) at 4.67% as of June 2, 2016. In the present market, considering the rate of return paid by banks and the United States government on short-term obligations, it is our opinion that investors in this type of property are normally willing to accept an equity dividend rate of approximately 8% to 12%. Considering the advantages of ownership, including appreciation and depreciation for tax purposes, a 12% equity dividend rate would be considered reasonable. The typical loan-to-value ratio of a property such as the subject would be 70%, which would be applied to the mortgage constant of 0.07732, with the remaining 30% applied at the equity dividend rate required by the investor of 12%. The indicated overall rate by the Band of Investment is 9.0%.

BAND OF INVESTMENT METHOD				
MORTGAGE / EQUITY ASSUMPTIONS				
Loan to Value Ratio	70%			
Interest rate	6.00%			
Amortization (Years)	25			
Mortgage Constant	0.07732			
Equity Ratio	30%			
Equity Dividend Rate	12.00%			
WEIGHTED AVERAGE OF MORTGAGE AND EQUITY REQUIREMENTS				
Mortgage Requirement	0.70	x	0.07732	0.0541
Equity Requirement	0.30	x	0.12	0.0360
Capitalization Rate				0.0901
Capitalization Rate (Rounded)				**9.00%**

In reconciliation, we have given more or less equal consideration to all sources, thereby estimating the appropriate Cap Rate to be **9.0%**.

"AS IS" MARKET VALUE CONCLUSION-VIA INCOME APPROACH

The overall rate estimated above is then applied to the Net Operating Income estimates for the subject. The result was an indicated value of the subject property via the Income Approach of $1,678,200 ($151,038/.09 = $1,678,200), rounded to **$1,680,000**.

385 INDICATION OF VALUE BY THE INCOME CAPITALIZATION APPROACH

INCOME APPROACH
4,499 SF (GLA) Building
1912 S Orange Avenue, Orlando, Orange County, Florida

POTENTIAL GROSS INCOME				
UNIT RENT	ANNUAL RENT / SF	SIZE (SF)	MONTHLY GROSS RENT	POTENTIAL ANNUAL GROSS INCOME
Restaurant Rent	$46.00	4,499	$17,246	$206,954
POTENTIAL GROSS INCOME				**$206,954**
LESS VACANCY & COLLECTION LOSS		15.0%		($31,043)
EFFECTIVE GROSS INCOME		$39.10	Per SF	**$175,911**
OPERATING EXPENSES				
FIXED EXPENSES		PER SF	% OF EGI	TOTAL
Real EstateTaxes		Tenant	0.0%	$0
Property Insurance		Tenant	0.00%	$0
Parking				$10,800
Total Fixed Expenses				$10,800
VARIABLE EXPENSES				
Utilities		Tenant		$0
Janitorial		Tenant		$0
Maintenance & Repairs		Tenant		$0
Management & Leasing		$1.17	3.0%	$5,277
Reserves For Replacement		$1.96	5.0%	$8,796
Total Variable Expenses				$14,073
TOTAL OPERATING EXPENSES		**$35,672.87**	14.1%	**$24,873**
NET OPERATING INCOME ESTIMATE		**$33.57**	85.9%	**$151,038**

NET OPERATING INCOME	$151,038
CAPITALIZATION RATE	9.00%
VALUE INDICATION	$1,678,200
ROUNDED TO	**$1,680,000**

390 RECONCILIATION OF VALUE INDICATIONS AND FINAL VALUE ESTIMATE

As requested, we have made the inspections, investigations, and analyses necessary to appraise the subject property, a 4,499± gross leasable square foot bar/nightclub situated on a 15,429 net square foot site located at the northwest corner of S. Orange Avenue and W. Esther Street, within the municipal limits of Orlando, Orange County, Florida.

We have conducted two separate independent approaches in forming our opinion of the market value of the subject property, as improved. These include the Sales Comparison Approach and the Income Approach. The purpose of this appraisal was to form a retrospective opinion of the market value of the fee simple interest in the subject property "as is." The "as is" market value estimate is made effective June 1, 2016. Each of these approaches has been discussed and applied on the preceding pages of this report with an explanation of each. The indications of value by the two approaches are as follows:

Improved Value:

SALES COMPARISON APPROACH	$1,670,000
COST APPROACH	N/A
INCOME APPROACH	$1,680,000
RECONCILED VALUE	$1,680,000

Land Value:

SALES COMPARISON APPROACH	$700,000
COST APPROACH	N/A
INCOME APPROACH	N/A
RECONCILED VALUE	**$700,0000**

The Cost Approach is typically a reliable estimate of value if the subject improvements are new or are fairly new, and the improvements represent the highest and best use of the property. The improvements are dated and buyers and sellers do not typically rely on cost indication when making buy/sell decisions for properties such as the subject. Therefore, the Cost Approach was deemed not applicable and was disregarded.

The Sales Comparison Approach involved the analysis of comparable improved sales. The estimate of value by the Sales Comparison Approach employed the per square foot of gross leasable building area as a unit of comparison. This is typically considered a reliable indicator of value as it reflects the actions of buyers and sellers in the marketplace. While the Sales Comparison Approach was constructed, the limited availability of bar/nightclub sales makes this estimate of value less reliable. Therefore, while considered, we have only given the Sales Comparison Approach supporting weight in our analysis. For the value estimate of the subject land, we have relied on the Sales Comparison Approach as the only method of valuing the property.

The Income Approach is appropriate for an income-producing property. Supportive income and expense data was available to estimate the property's potential operational results. Gross income, expenses and occupancy were based on market rates and experience with similar projects. The quality of the data was considered good and we believe the Income Approach provided a reliable indication of value. For this reason, we have given the Income Approach primary weight in the reconciliation process.

We have taken both approaches into consideration in forming an opinion of the “as is” value of the subject property. We have given consideration to both the Income Approach and the Sales Comparison Approach, with primary weight on the Income Approach. We have formed our opinion that the market value of the “as is” unencumbered fee simple interest in the subject property, subject to restrictions and covenants of record, effective June 1, 2016, was:

ONE MILLION SIX HUNDRED EIGHTY THOUSAND DOLLARS

($1,680,000).

ADDENDUM

- DEFINITIONS
- LAST INSTRUMENT OF CONVEYANCE
- QUALIFICATIONS OF APPRAISER

DEFINITIONS

FEE SIMPLE ESTATE

Absolute ownership unencumbered by any other interest or estate; subject only to the limitations of eminent domain, escheat, police power, and taxation.

HIGHEST AND BEST USE

The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility and maximum productivity.

The definitions of land area, as used in the appraisal reports, are as follows:

Gross Land Area	Total area within the described boundary of the property. Total area without deduction of any kind. This classification would include lake bottom and all soil types.
Net Land Area	Gross land area less lake bottom; land area above the normal high water mark.
Gross Usable Land Area	Net land area less surplus marginal land; would include such items as marginal land which would have utility for green space or mitigation purposes.
Net Usable Land Area	Net Land Area Less All Marginal Land.

FEE SIMPLE ESTATE[2]

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

HIGHEST AND BEST USE[2]

The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility and maximum productivity.

---

[2] The Dictionary of Real Estate Appraisal, 6th Edition (Chicago: Appraisal Institute, 2015).

Exposure Time

Within Definition of Market Value, the value opinion presumes that "A reasonable time is allowed for exposure in the open market". Exposure time is defined as the length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at the market value on the effective date of the appraisal. Exposure time is presumed to precede the effective date of the appraisal.

The reasonable exposure period is a function of price, time and use. It is not an isolated opinion of time alone. Exposure time is different for various types of real estate and under various market conditions. As noted above, exposure time is always presumed to precede the effective date of appraisal. It is the length of time the property would have been offered prior to a hypothetical market value sale on the effective date of appraisal. It is a retrospective opinion based on an analysis of recent past events, assuming a competitive and open market. It assumes not only adequate, sufficient and reasonable time but adequate, sufficient and a reasonable marketing effort. Exposure time and conclusion of value are therefore interrelated.

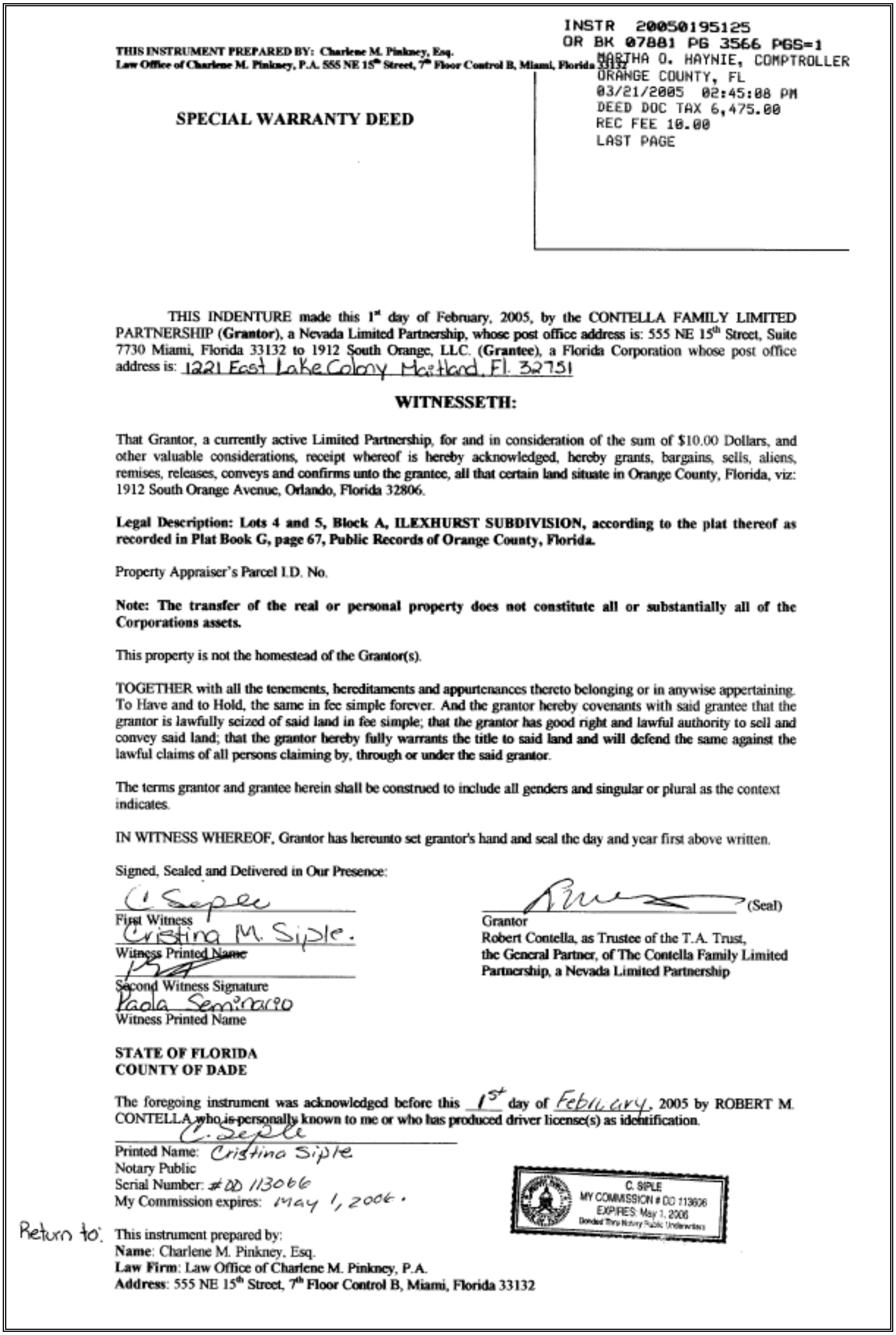
Based on discussions with market participants and information gathered during the sales verification process, we estimated a reasonable exposure time would be (6-12) months. This assumes an active and professional marketing plan would have been employed by the current owner.

Marketing Time

Marketing time is an opinion of the time that might be required to sell a real property interest at the appraised value. Marketing time is presumed to start on the effective date of the appraisal. (Marketing time is subsequent to the effective date of the appraisal and exposure time is presumed to precede the effective date of the appraisal). The opinion of marketing time uses some of the same data analyzed in the process of estimating reasonable exposure time and it is not intended to be a prediction of a date of sale.

We believe, based on the assumptions employed in our analysis, as well as our selection of investment parameters for the subject, that our value conclusion represents a price achievable within (6-12) months.

LAST INSTRUMENT OF CONVEYANCE



INSTR 20050195125
OR BK 07881 PG 3566 PGS=1
MARTHA O. HAYNIE, COMPTROLLER
ORANGE COUNTY, FL
03/21/2005 02:45:08 PM
DEED DOC TAX 6,475.00
REC FEE 10.00
LAST PAGE

THIS INSTRUMENT PREPARED BY: Charlene M. Pinkney, Esq.
Law Office of Charlene M. Pinkney, P.A. 555 NE 15th Street, 7th Floor Control B, Miami, Florida 33132

SPECIAL WARRANTY DEED

THIS INDENTURE made this 1st day of February, 2005, by the CONTELLA FAMILY LIMITED PARTNERSHIP (**Grantor**), a Nevada Limited Partnership, whose post office address is: 555 NE 15th Street, Suite 7730 Miami, Florida 33132 to 1912 South Orange, LLC. (**Grantee**), a Florida Corporation whose post office address is: 1221 East Lake Colony Maitland, Fl. 32751

WITNESSETH:

That Grantor, a currently active Limited Partnership, for and in consideration of the sum of $10.00 Dollars, and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Orange County, Florida, viz: 1912 South Orange Avenue, Orlando, Florida 32806.

Legal Description: Lots 4 and 5, Block A, ILEXHURST SUBDIVISION, according to the plat thereof as recorded in Plat Book G, page 67, Public Records of Orange County, Florida.

Property Appraiser's Parcel I.D. No.

Note: The transfer of the real or personal property does not constitute all or substantially all of the Corporations assets.

This property is not the homestead of the Grantor(s).

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever. And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

The terms grantor and grantee herein shall be construed to include all genders and singular or plural as the context indicates.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

C Siple
First Witness
Cristina M. Siple.
Witness Printed Name

Second Witness Signature
Paola Seminario
Witness Printed Name

(Seal)
Grantor
Robert Contella, as Trustee of the T.A. Trust,
the General Partner, of The Contella Family Limited Partnership, a Nevada Limited Partnership

STATE OF FLORIDA
COUNTY OF DADE

The foregoing instrument was acknowledged before this 1st day of February, 2005 by ROBERT M. CONTELLA ~~who is personally~~ known to me or who has produced driver license(s) as identification.

C. Siple
Printed Name: Cristina Siple
Notary Public
Serial Number: #DD 113066
My Commission expires: May 1, 2006.

C. SIPLE
MY COMMISSION # DD 113606
EXPIRES: May 1, 2006
Bonded Thru Notary Public Underwriters

Return to: This instrument prepared by:
Name: Charlene M. Pinkney, Esq.
Law Firm: Law Office of Charlene M. Pinkney, P.A.
Address: 555 NE 15th Street, 7th Floor Control B, Miami, Florida 33132

QUALIFICATIONS OF PAUL M. ROPER, MAI, SRA

BUSINESS ADDRESS

Clayton, Roper & Marshall, Inc.
246 North Westmonte Drive
Altamonte Springs, Florida 32714

Telephone: (407) 772-2200, Ext. 316
Fax: (407) 772-1340
E-mail: proper@crmre.com

EDUCATION

BSBA Degree (Finance), University of Central Florida, Orlando, Florida	1979
AS Degree, Daytona Beach Community College, Daytona Beach, Florida	1974

REAL ESTATE APPRAISAL COURSES AND SEMINARS COMPLETED UNDER DIRECTION OF THE APPRAISAL INSTITUTE

National USPAP Update Course (7-Hour)	2016
Florida Law Update	2016
Central Florida Real Estate Forum	2015
Evaluating Residential Construction	2014
2014 Central Florida Real Estate Forum – Unity of the Community	2014
Business Practice and Ethics	2014
National USPAP Update Course (7-Hour, Orlando, Florida)	2014
Florida Law	2014
Litigation Assignments for Residential Appraisers: Doing Expert Work on Atypical Cases	2014
Central Florida Real Estate – 2012 Valuation Forum	2012
Fundamentals of Separating Real, Personal Property, and Intangible Business Assets	2012
The Uniform Appraisal Dataset from Fannie Mae and Freddie Mac	2011
Appraisal Curriculum Overview	2010
Florida Supervisor/Trainee Roles & Rules	2010
Valuation by Comparison: Residential Analysis	2010
Analyzing the Effects of Environmental Contamination on Real Property	2010
Condemnation Appraising: Principles and Applications	2010
10-Hour USPAP Update & Core Law	2010
Property Tax Assessment	2010
Business Practices and Ethics	2010
Value by Comparison: Residential Analysis and Logic	2009
Florida Appraisal Law	2009
National USPAP Update Course, Florida Association of Realtors	2006
Florida Law Update for Real Estate Appraisers, Florida Association of Realtors	2006/2010
South Florida Water Management District Seminar	2005
Course 420: Business Practices and Ethics (formerly Standards of Professional Practice, Part B).	2005/2010
National USPAP Update Course, University of Phoenix	2004
Florida Law Update for Real Estate Appraisers	2004
FDOT – Advanced Appraisal Review Course	2004
South Florida Water Management District Course	2004
Uniform Standards for Federal Land Acquisitions, “The Yellow Book” Tallahassee, Florida	2004
South Florida Water Management District Appraisal Seminar	2003
South Florida Water Management District Appraisal Seminar	2002
Florida State Law Update for Real Estate Appraisers	2002
Standards of Professional Practice, Part C	2002
When Good Houses Go Bad (FREAB Course 01-03)	2001
Litigation Skills for the Appraiser	2001
Capital Gains in Like-Kind Exchanges	2001
Appraising from Blueprints	2000
Partial Interest Valuation	2000
USPAP/Law	2000

REAL ESTATE APPRAISAL COURSES AND SEMINARS COMPLETED UNDER DIRECTION OF THE APPRAISAL INSTITUTE (CONTINUED)

St. Johns River Water Management Appraisal Seminar	2000
Business Enterprise Valuation - Course No. 701	1999
Alternative Dispute Resolution (ADR) - Course No. 706	1999
Improving Your Business, Management and Bottom Line Profit	1999
Valuing Your Business	1999
Appraisal Considerations for Rural Properties	1998
USPAP - Part C	1997
Fannie Mae Guidelines Update	1996
USPAP (Update/Core Law)	1996
Agriculture and the Internet Computer Workshop	1995
How to Appraise FHA-Insured Property	1995
Appraisal Institute Faculty Workshop	1995
Technology Video Conference	1995
Understanding Limited Appraisals & Reporting Options - General	1994
Powerline Easements & Electro Magnetic Fields' Effect on People & Value	1994
USPAP Core Law for Appraisers	1994
Standards of Professional Practice, Parts A & B	1992
Interim Use Properties	1992
SREA 201 Instructor's Clinic	1988
Course IV - Condemnation Appraisal Practice	1988
Uniform Residential Appraisal Report	1987
Valuation and Evaluation of Proposed Projects	1987
R-41c - Overview and Analysis	1987
R-41b - Overview and Analysis	1986
Capitalization Theory and Techniques	1986
Federal Income Taxes Affecting Real Estate	1985
R-41b - Federal Home Loan Bank Board Regulations	1985
Condemnation and the Appraiser	1984
Development of Business Centers and Office Showrooms	1984
Overview - Apartment Development Process	1984
Adjusting for Financing Differences in Residential Properties	1983
SREA 201 Instructor's Clinic	1982
Report Writing Seminar	1981
Construction Facts/Inspections	1981
Course VII, Industrial Valuation	1981
Hotel/Motel Valuation and Analysis Seminar	1981
Golf Course Valuation and Analysis Seminar	1981
R-2 Single-Family Residential Examination	1978
Course II, Urban Case Studies	1977
Narrative Report Writing Workshop	1976
Course 201 - University of Central Florida	1976
Applied Capitalization Techniques Workshop	1975
Course 101 - Stetson University	1975

INDEPENDENT SEMINARS (OTHER THAN APPRAISAL INSTITUTE)

Conservation Trust for Florida - Conservation Easements from All Angles	2013
Orlando Regional Realtor Association – 3rd Cycle Quad Code of Ethics	2012
Florida Department of Revenue – 2010 Value Adjustment Board Training	2010
FDOT – 7-Hour USPAP Update	2010
FDOT – Florida Law Update	2010
FDOT – Advanced Appraisal Review	2010

University of Florida – Florida Water Law and Sustainability	2010
Supervisor & Trainee Appraiser Rules & Roles	2008
Advanced Appraisal Review	2008
Sovereignty Submerged Land Easements	2008
Florida Department of Transportation- Advanced Appraisal Review	2004
SFWMD-Current Appraisal Issues in Florida	2004
SFWMD-Current Appraisal Issues in Florida	2002
Real Estate Continuing Ed Course	2002
SFWMD-Uniform Appraisal Standards for Federal Land Acquisitions	2001
SFWMD-Current Appraisal Issues in Florida	2000
Less Than Fee Interest Workshop	1999
The Internet and Appraising	1997
Risk Reduction for Brokers	1996
Contracts, Collectibles, Crimes, Copy & More	1996
Agriculture and the Internet II Workshop	1996
Marshall & Swift Square Foot Method Use & Application	1996
Real Estate Law Symposium	1995
Concurrency Management Seminar - City of Orlando	1992
Citrus Groves - Evaluation and Analysis	1991
Appraisal Review of Commercial Real Estate and Federal Home Loan Bank Board Memorandum R-41c	1986

The Appraisal Institute conducts a voluntary program of continuing education for its designated members. MAI's who meet the minimum standards of this program are awarded periodic educational certification. Paul M. Roper is currently certified under this program.

Mr. Roper has also attended various seminars under the direction of the Orlando Area Association of Realtors and the American Society of Appraisers.

PROFESSIONAL DESIGNATIONS

MAI Designation - Appraisal Institute, Certificate #6442

SRPA and SRA Designations - Appraisal Institute
(Past President of Chapter No. 100; Past Education Committee Chairman)

Licensed Real Estate Broker, State of Florida

State-Certified General Appraiser, State of Florida, License Number RZ 141

FNMA Approved - #1108588

EXPERIENCE

Special Magistrate for Valuation Adjustment Board Hearings
Orange County 1984, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 2005, 2006, 2007, 2008, 2015, 2016

Special Magistrate for Valuation Adjustment Board Hearings
(sole member) for Osceola County 1986, 1987, 1988, 1989,1990

Instructor: Less Than Fee Interest Workshop for Northwest Florida Water Management District	1999
Appraisal Institute (Appraising Interim Use Properties)	1992, 1991
Society of Real Estate Appraisers (SREA Course 201)	1991, 1985
Society of Real Estate Appraisers (Uniform Residential Appraisal Reports)	1987
Valencia Community College, Orlando, Florida	1984
American Institute of Real Estate Appraisers (AIREA Course 8-2)	1984

Author: Coursework for Teaching "Less Than Fee Interest"..1999
Author: Coursework and Appraisal Articles for Teaching and Publication, such as:
"Appraising Interim Use Properties"...1992, 1991

Vice-President of Clayton, Roper & Marshall, Inc.
(formerly Clayton & Roper Appraisal Services) ....Since 1982

Associate with Pardue, Heid, Church, Smith & Waller..1975 to 1982

ASSOCIATIONS

Member: The Appraisal Institute
Altamonte Springs Chamber of Commerce
Kissimmee Chamber of Commerce
Orlando Board of Realtors
Better Business Bureau
International Right-of-Way Association

Paul M. Roper has completed appraisal reports and lease negotiations throughout the United States for individuals, attorneys, mortgage brokers, mortgage bankers, credit unions, banks, savings and loan associations and various Federal, State, and local governmental agencies for valuation, evaluation and analysis assignments that include:

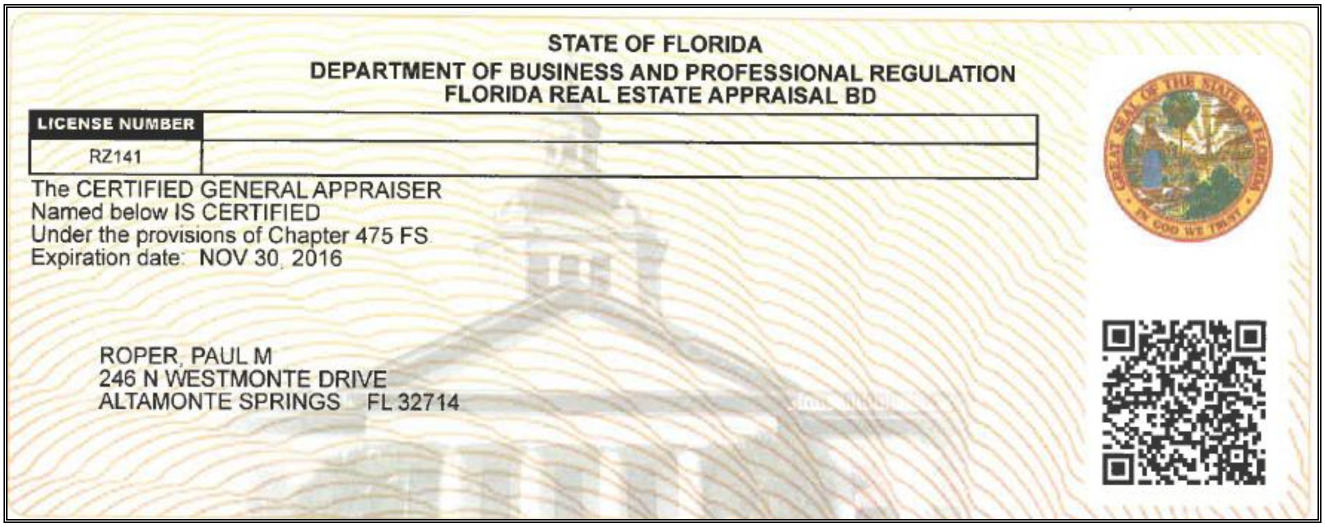
- Agricultural Properties, Including Citrus Groves
- Appraisal Reviews
- Business Valuations
- Cemeteries and Mortuaries
- Commercial Properties
- Condemnation (Eminent Domain)
- Hotel/Motel Valuation
- Industrial Properties
- Office Buildings
- Litigation/Consultation Assignments
- Market/Feasibility Studies
- Mobile Home Sales and Rental Parks
- Personal Property Appraisals
- Roadside Advertising Signs
- Single-Family and Multifamily Residential Properties
- Special Purpose Properties such as Major Citrus Packing Plants and Restaurants, Among Others

Paul Roper presently manages and/or owns full and/or partial interest in office buildings and detached residential housing. He has testified as an expert witness for various litigation involving real estate in Federal Courts and the Circuit Courts of Brevard, Escambia, Lake, Marion, Orange, Osceola, Pasco, Polk, Seminole, and Volusia Counties in the State of Florida.

OTHER

Member: U.S. Marine Corps. (Vietnam Veteran) Honorable Discharge - 1969-1972
Orlando Regional Realtors Association
Mid Florida Regional Multiple Listing Service
Disabled American Veterans (DAV)
Veterans of Foreign Wars (VFW)
American Legion

STATE OF FLORIDA CERTIFICATION



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FLORIDA REAL ESTATE APPRAISAL BD

LICENSE NUMBER	
RZ141	

The CERTIFIED GENERAL APPRAISER
Named below IS CERTIFIED
Under the provisions of Chapter 475 FS
Expiration date: NOV 30, 2016

ROPER, PAUL M
246 N WESTMONTE DRIVE
ALTAMONTE SPRINGS FL 32714

RESTRICTED APPRAISAL REPORT

PULSE NIGHTCLUB
1912 SOUTH ORANGE AVENUE
ORLANDO, FLORIDA 32806

PREPARED FOR

CITY OF ORLANDO
C/O LAURA F. CARROLL, MAI
REAL ESTATE PROJECT MANAGER
REAL ESTATE MANAGEMENT DIVISION
400 SOUTH ORANGE AVENUE, 4TH FLOOR
ORLANDO, FLORIDA 32801

DATE OF VALUATION:	OCTOBER 3, 2023
DATE OF INSPECTION:	OCTOBER 3, 2023
DATE OF REPORT:	NOVEMBER 1, 2023

PREPARED BY

PINEL & CARPENTER, INC.

WALTER N. CARPENTER, JR., MAI, CRE
PRESIDENT
CERT GEN RZ1231

23-094
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PINEL & CARPENTER
INCORPORATED
Real Estate Appraisers and Consultants

WALTER N. CARPENTER, JR., MAI, CRE
Cert Gen RZ1231
MARK G. CARPENTER, MAI
Cert Gen RZ935

November 1, 2023

City of Orlando
c/o Ms. Laura F. Carroll, MAI
Real Estate Project Manager
Real Estate Management Division
400 South Orange Avenue
Orlando, Florida 32801

Re: Pulse Nightclub
1912 South Orange Avenue
Orlando, FL 32806

Dear Ms. Carroll:

Per your request, we have estimated a value range of the above referenced property. The purpose of this restricted appraisal report is to estimate the market value of the fee simple interest in the property which is proposed to be transferred from the property owner to the City of Orlando. The function of this report is for use by the City of Orlando for consideration in connection with the possible acquisition of the property.

The subject property includes one future transfer parcel containing .35± gross acres and is improved with a former nightclub building containing 4,499 gross leasable square feet. It is zoned AC-N-T-SP, Neighborhood Activity Center/ Traditional City/ Specially Planned Area Overlay.

This is considered an Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report. As such, it presents only summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's files. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated above. The appraiser is not responsible for unauthorized use of this report.

Based upon the following restricted appraisal report and certifications; property specific conditions, contingencies, and assumptions; and the general underlying assumptions and limiting conditions, it is my opinion and conclusion the market value of the fee simple interest in the subject property, as of October 3, 2023 was:

ONE MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS

TO

ONE MILLION NINE HUNDRED SIXTY-FIVE THOUSAND DOLLARS

$1,850,000 – $1,965,000

Please refer to the attached appraisal report, including exhibits for documentation of the above-cited estimate of value. The indicated market value, in our opinion, can be achieved within a reasonable exposure time of 9 to 12 months. If any additional information is requested, please advise.

Respectfully submitted,

PINEL & CARPENTER, INC.

Walter N. Carpenter Jr., MAI, CRE
President
Cert Gen RZ1231

WNC/ego
Attachments

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QUALIFICATIONS OF APPRAISERS

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CERTIFICATION OF VALUATION

I certify that, to the best of my knowledge and belief:

1) The statements of fact contained in this report are true and correct.

2) The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

3) I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.

4) I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

5) I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

6) My engagement in this assignment was not contingent upon developing or reporting predetermined results.

7) My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

8) My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the *Uniform Standards of Professional Appraisal Practice.*

9) Walter N. Carpenter, Jr., MAI have made a personal inspection of the property that is the subject of this report.

10) No one provided significant real property appraisal assistance to the person signing this certification.

11) The reported analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.

12) The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

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CERTIFICATION OF VALUATION
(Contd.)

Walter N. Carpenter Jr., MAI has the knowledge and experience on the type of property appraised in its geographic area to meet the USPAP Competency Requirements.

As of the date of this report, Walter N. Carpenter, Jr., MAI has completed the Continuing Education program for Designated Members of the Appraisal Institute.

Signature

Date 11/1/2023

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PROPERTY SPECIFIC CONDITIONS, CONTINGENCIES, AND ASSUMPTIONS

This appraisal was made subject to the following conditions and contingencies:

1) My valuation assumes there were no adverse encumbrances, encroachments, liens or restrictions against the subject parcel. Title is assumed to be good and marketable unless otherwise stated.

2) Exhibits within this report are included only to assist the reader in visualizing the subject parcel and supporting data. These are not to be relied upon as exact replications. Also, the flood zone information provided within this report is based upon my review of the National Flood Insurance Map and, as a result, I assume no responsibility for its accuracy.

3) For this analysis, I have reviewed the Orange County Property Appraiser, Official Records and information provided by the client for a determination of the subject's overall land size, usable land size and site boundaries. Any indications to the contrary will subject this appraisal to review and possible modification.

4) We were not provided a Soils Report of the subject property. Since the discovery of any abnormal soil or subsoil conditions is beyond my area of expertise, I have assumed that the site will support improvements. Any indications to the contrary will subject this appraisal to review and possible modification.

5) Unless noted, the market value conclusion rendered herein presumes building and site improvements to be structurally sound and constructed in a good and workmanlike manor. Any indications to the contrary will subject this appraisal to review and possible modification.

6) Sales data and information regarding improved and/or land sales was abstracted from public records, from sales services, and from other sources. This information is assumed to be accurate and correct.

7) I do not have the required expertise for determining the presence or absence of hazardous substances, defined as all hazardous or toxic materials, wastes, pollutants or contaminants (including, but not limited to, asbestos, PCB, UFFI, or other raw materials or chemicals) used in construction, or otherwise present on the property. I assume no responsibility for the studies or analyses, which would be required to determine the presence or absence of such substances. I do not assume responsibility for loss as a result of the presence of such substances. I do not assume responsibility for loss as a result of the presence of such substances. The value estimates are based on the assumption that the subject parcel is not so affected.

8) Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or

PROPERTY SPECIFIC CONDITIONS, CONTINGENCIES, AND ASSUMPTIONS
(Contd.)

is not in compliance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers structural in nature that would restrict access by disabled individuals may adversely impact the property's value, marketability or utility.

9) The 1985 amendment to Chapter 163, Florida Statutes, requires local governments to adopt Comprehensive Land Use Plans that must include adopted levels of service for seven types of public services and facilities: roads, mass transit, sanitary sewer, storm water, portable water, solid waste, and parks/recreation. Chapter 163 prohibits local governments from issuing development permits if the development's impact would cause levels of service to fall below the adopted levels. In other words, the availability of the public services must be concurrent with the impact of future development.

GENERAL UNDERLYING ASSUMPTIONS AND LIMITING CONDITIONS

1) The appraisal report has been made with the following general assumptions:

2) No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.

3) The property is appraised as if free and clear of any or all liens or encumbrances unless otherwise stated.

4) Responsible ownership and competent property management are assumed.

5) The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.

6) All engineering is assumed correct. Any plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.

7) It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable unless stated within the appraisal report. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.

8) It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report.

9) It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless nonconformity has been stated, defined, and considered in the appraisal report.

10) It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.

11) Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. Maps and exhibits found in this report are provided for reader reference purposes only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report.

12) It is assumed that the utilization of the land and improvement is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.

GENERAL UNDERLYING ASSUMPTIONS AND LIMITING CONDITIONS (Contd.)

13) The appraiser is not qualified to detect hazardous waste and/or toxic materials. Any comment by the appraiser that might suggest the possibility of the presence of such substances should not be taken as confirmation of the presence of hazardous waste and/or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment. The presence of substances such as asbestos, urea-formaldehyde foam insulation or other potentially hazardous materials may affect the value of the property. The appraisers' opinion of value is predicated on the assumption that there is no such material on or in the property that would cause a loss in value unless otherwise stated in this report. No responsibility is assumed for such conditions or for any expertise or engineering knowledge required to discover them. The appraisers' descriptions and resulting comments are the result of the routine observations made during the appraisal process. The intended user is urged to retain an expert in this field, if desired.

14) The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.

15) Possession of this report or a copy thereof does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser and, in any event, only with proper written qualification and only in its entirety.

16) The appraiser herein by reason of this appraisal is not required to give further information consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.

17) Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.

18) Sales data and information regarding land sales were abstracted from public records, from sales services, and from other sources. This information is assumed to be accurate and correct and was also verified with our sources.

19) Any flood zone information provided within this report was based upon a review of the National Flood Insurance Maps. We assume no responsibility for their accuracy.

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SUMMARY OF IMPORTANT CONCLUSIONS

OWNERSHIP:	71495 Rbp LLC 1299 Sia LLC 5795 W. Irlo Bronson Memorial Highway Kissimmee, FL 34746-4748
LOCATION:	The subject property is located at the northwest corner of South Orange Avenue and West Esther Street, within the municipal limits of the City of Orlando, Orange County, Florida.
DATE OF VALUATION:	October 3, 2023
DATE OF INSPECTION:	October 3, 2023
DATE OF REPORT:	November 1, 2023
PROPERTY RIGHTS APPRAISED:	Fee simple interest.
SUBJECT ACCESS:	North side of W. Esther Street and west side of S. Orange Avenue.
ZONING:	AC-N-T-SP, Neighborhood Activity Center/ Traditional City/ Specially Planned Area Overlay.
FUTURE LAND USE:	MUC - Mixed-Use Corridor-Medium Intensity City of Orlando.
PROPERTY DESCRIPTION:	The subject site (15,429 square feet) was improved with a 4,499 gross leasable square foot bar and nightclub formerly operating as the Pulse Nightclub. The improvements were originally constructed in 1957 and have been renovated and remodeled multiple times over the years. The most recent major renovation was reportedly completed in 2006, when the property was converted to its former use as a nightclub and bar. Per the Extraordinary Assumption used in this report, we assume the structural components of the building to be in sound condition for continued use in a redevelopment scenario.

SUMMARY OF IMPORTANT CONCLUSIONS
(Contd.)

HIGHEST AND BEST USE:	“As vacant”	– Mixed-Use Commercial Development
	“As improved”	– Redevelopment with possible contributory use of building and site improvements.

EXTRAORDINARY ASSUMPTIONS:

1) The valuation of the real estate excludes consideration of “stigma” if any associated with the June 12, 2016 mass shooting on the property.

2) Access to the interior of the improvements was not available as of the valuation date, thus the improvements are assumed to be structurally sound with the building shell and site improvements having contributory value in the event of redevelopment of the property.

RECONCILIATION & FINAL ESTIMATE OF VALUE:	**Land Value**	**=**	**$1,400,000 ($90.00/sf)**
	Contributory Value of Improvements	**=**	**$450,000 - $565,000**
			$1,850,000 - $1,965,000

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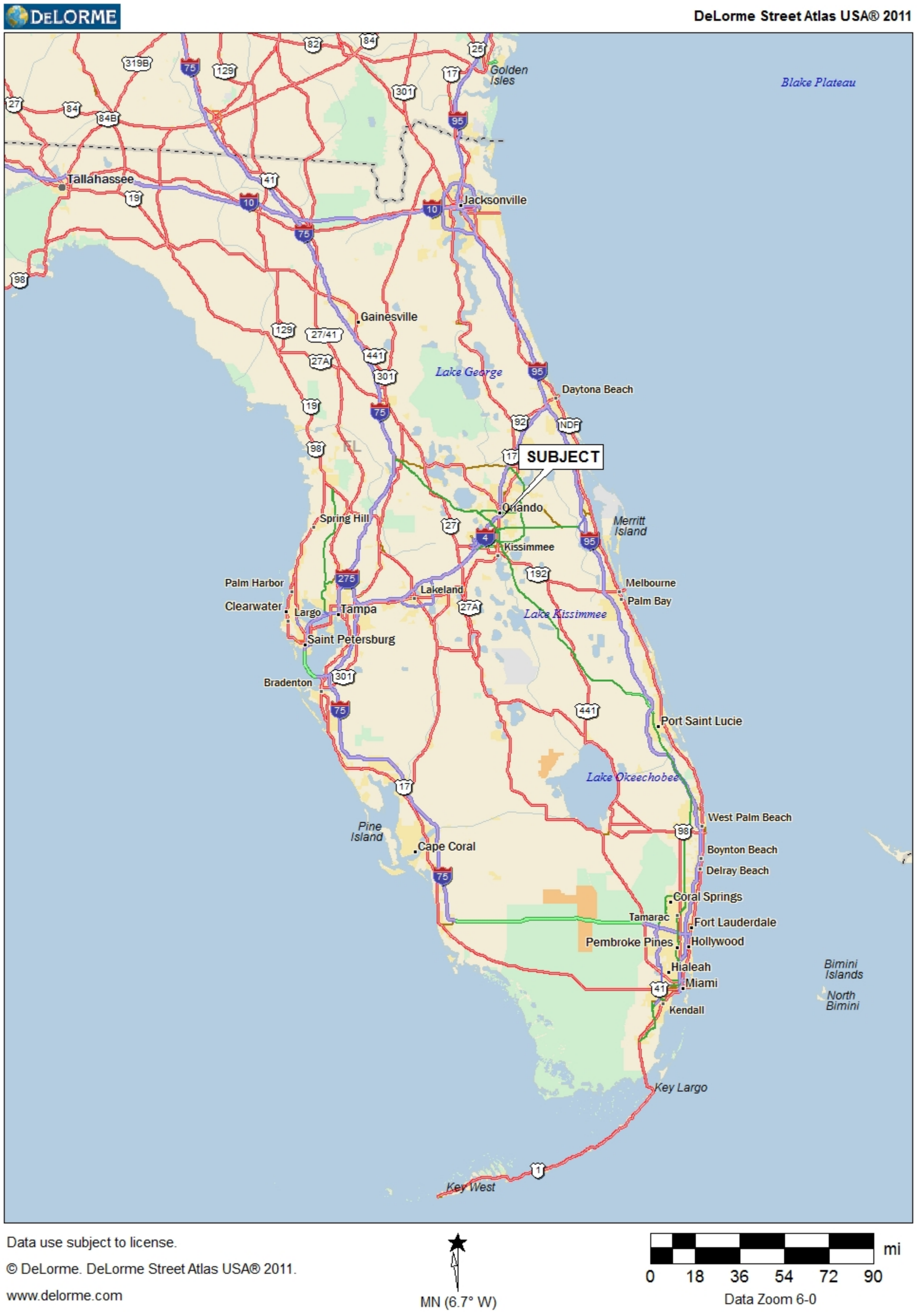
STATE MAP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DeLorme Street Atlas USA® 2011
SUBJECT
Tallahassee
Jacksonville
Golden Isles
Blake Plateau
Gainesville
Lake George
Daytona Beach
FL
Orlando
Spring Hill
Merritt Island
Kissimmee
Palm Harbor
Clearwater
Largo
Tampa
Lakeland
Melbourne
Palm Bay
Lake Kissimmee
Saint Petersburg
Bradenton
Port Saint Lucie
Lake Okeechobee
West Palm Beach
Boynton Beach
Delray Beach
Pine Island
Cape Coral
Coral Springs
Tamarac
Fort Lauderdale
Pembroke Pines
Hollywood
Hialeah
Miami
Kendall
Bimini Islands
North Bimini
Key Largo
Key West
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www.delorme.com
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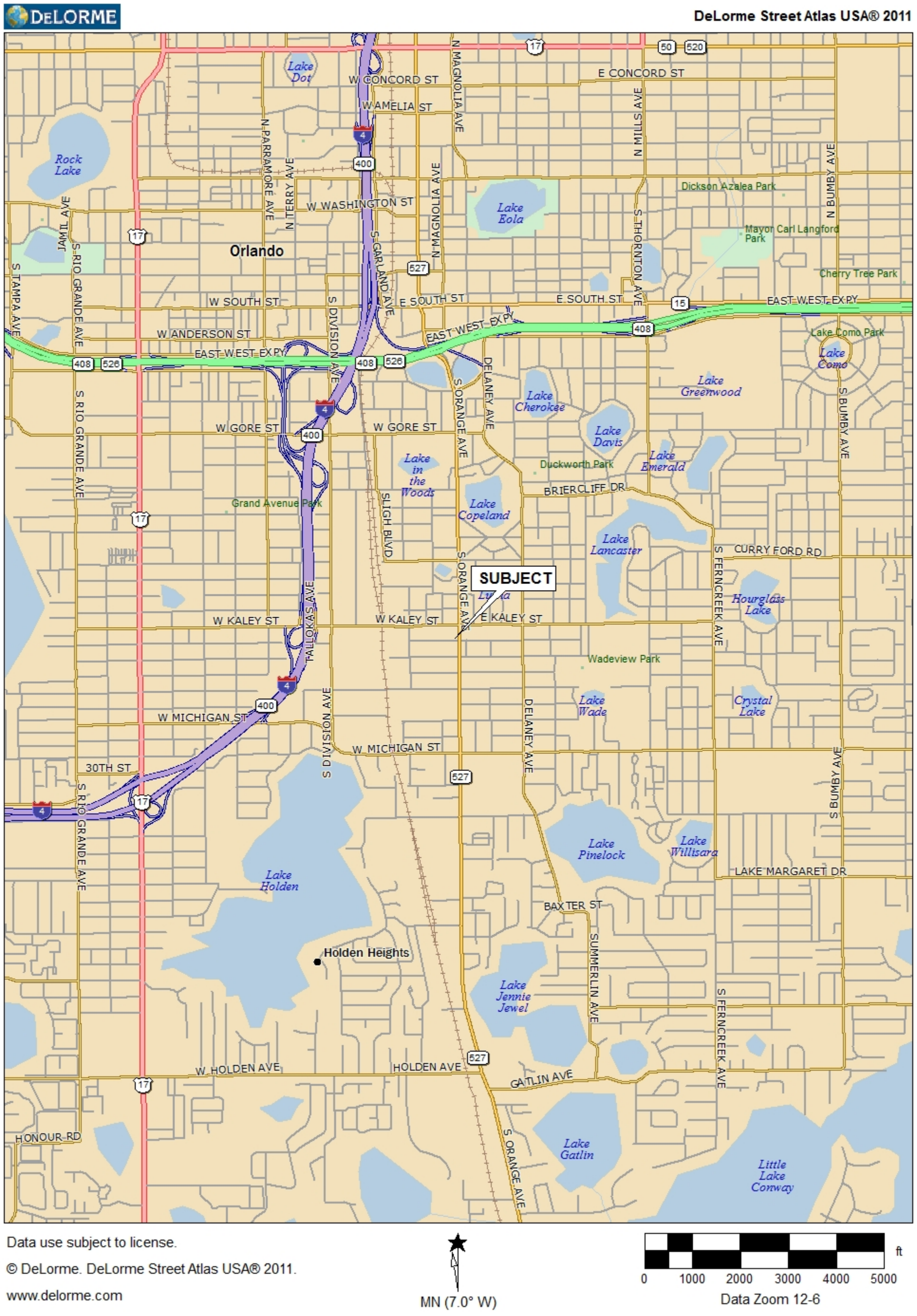
AREA MAP


DeLorme
DeLorme Street Atlas USA® 2011
SUBJECT
Orlando
Holden Heights
W CONCORD ST
E CONCORD ST
W AMELIA ST
W WASHINGTON ST
W SOUTH ST
E SOUTH ST
W ANDERSON ST
EAST-WEST EXPY
W GORE ST
BRIERCLIFF DR
CURRY FORD RD
W KALEY ST
E KALEY ST
W MICHIGAN ST
30TH ST
LAKE MARGARET DR
BAXTER ST
W HOLDEN AVE
HOLDEN AVE
GATLIN AVE
HONOUR RD
S TAMPA AVE
JAMIL AVE
S RIO GRANDE AVE
N PARRAMORE AVE
N TERRY AVE
S DIVISION AVE
S GARLAND AVE
N MAGNOLIA AVE
S ORANGE AVE
DELANEY AVE
SLIGH BLVD
TALLOKAS AVE
N MILLS AVE
S THORNTON AVE
S FERNCREEK AVE
SUMMERLIN AVE
N BUMBY AVE
S BUMBY AVE
Lake Dot
Rock Lake
Lake Eola
Lake Cherokee
Lake Davis
Lake Emerald
Lake Greenwood
Lake Como
Lake in the Woods
Lake Copeland
Lake Lancaster
Hourglass Lake
Lake Wade
Crystal Lake
Lake Pinelock
Lake Willisara
Lake Holden
Lake Jennie Jewel
Lake Gatlin
Little Lake Conway
Dickson Azalea Park
Mayor Carl Langford Park
Cherry Tree Park
Lake Como Park
Duckworth Park
Grand Avenue Park
Wadeview Park
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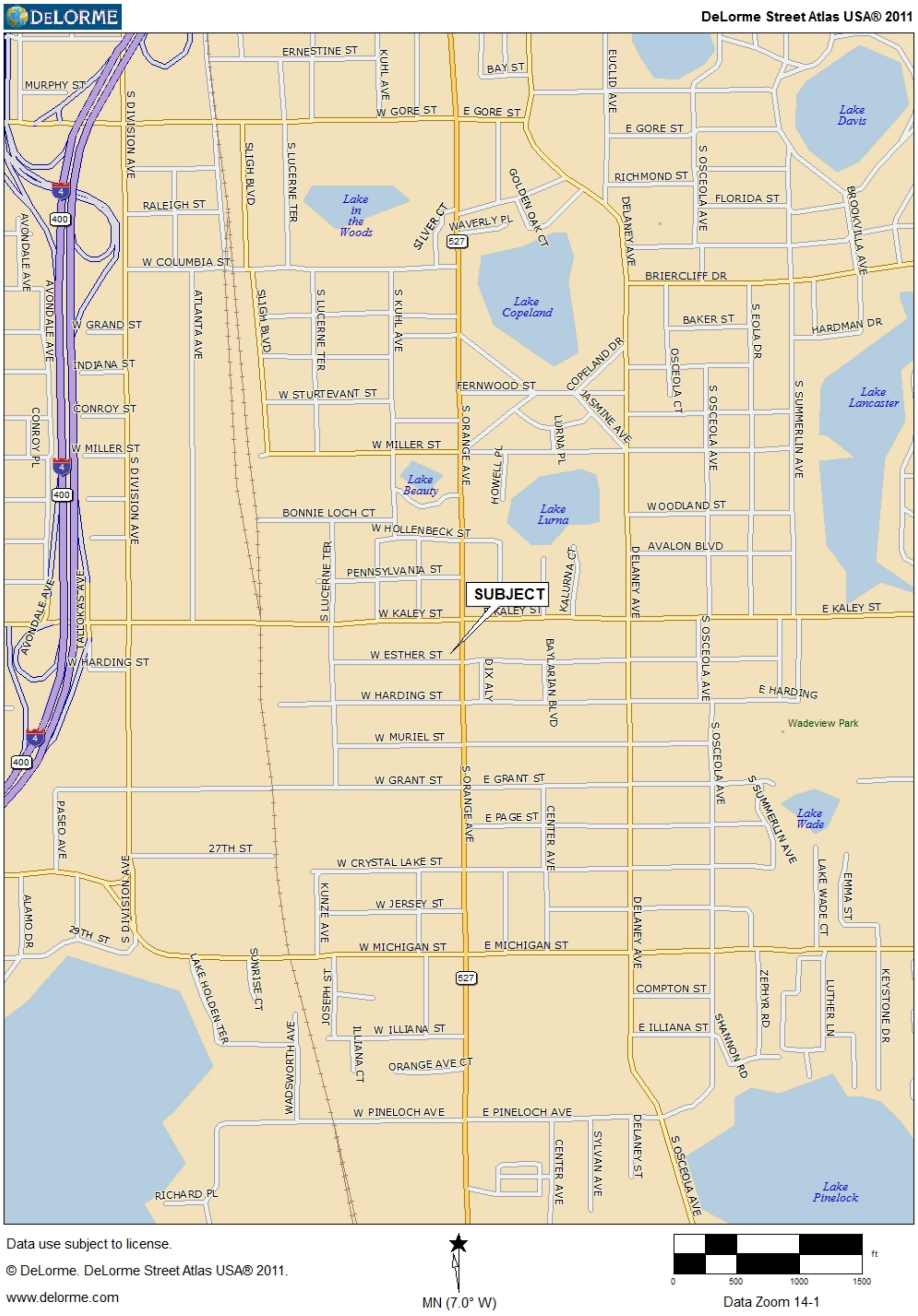
LOCATION MAP


DELORME
DeLorme Street Atlas USA® 2011
ERNESTINE ST
KUHL AVE
BAY ST
EUCLID AVE
Lake Davis
MURPHY ST
S DIVISION AVE
W GORE ST
E GORE ST
E GORE ST
SLIGH BLVD
S LUCERNE TER
RICHMOND ST
S OSCEOLA AVE
GOLDEN OAK CT
RALEIGH ST
Lake in the Woods
SILVER CT
DELANEY AVE
FLORIDA ST
BROOKVILLA AVE
WAVERLY PL
527
400
AVONDALE AVE
W COLUMBIA ST
BRIERCLIFF DR
ATLANTA AVE
SLIGH BLVD
S LUCERNE TER
S KUHL AVE
Lake Copeland
BAKER ST
S EOLA DR
HARDMAN DR
AVONDALE AVE
W GRAND ST
INDIANA ST
COPELAND DR
OSCEOLA CT
W STURTEVANT ST
FERNWOOD ST
JASMINE AVE
S OSCEOLA AVE
S SUMMERLIN AVE
Lake Lancaster
CONROY ST
CONROY PL
LURNA PL
W MILLER ST
W MILLER ST
S ORANGE AVE
HOWELL PL
S DIVISION AVE
400
Lake Beauty
Lake Lurna
WOODLAND ST
BONNIE LOCH CT
W HOLLENBECK ST
AVALON BLVD
S LUCERNE TER
PENNSYLVANIA ST
KALURNA CT
DELANEY AVE
AVONDALE AVE
TALLOKAS AVE
SUBJECT
W KALEY ST
E KALEY ST
E KALEY ST
W HARDING ST
W ESTHER ST
S OSCEOLA AVE
DIX ALY
BAYLARIAN BLVD
W HARDING ST
E HARDING
Wadeview Park
W MURIEL ST
400
S OSCEOLA AVE
W GRANT ST
E GRANT ST
S ORANGE AVE
S SUMMERLIN AVE
Lake Wade
PASEO AVE
E PAGE ST
CENTER AVE
27TH ST
W CRYSTAL LAKE ST
S DIVISION AVE
KUNZE AVE
LAKE WADE CT
EMMA ST
W JERSEY ST
ALAMO DR
29TH ST
DELANEY AVE
W MICHIGAN ST
E MICHIGAN ST
SUNRISE CT
LAKE HOLDEN TER
527
JOSEPHI ST
COMPTON ST
ZEPHYR RD
LUTHER LN
KEYSTONE DR
ILLIANA CT
W ILLIANA ST
E ILLIANA ST
SHANNON RD
WADSWORTH AVE
ORANGE AVE CT
W PINELOCH AVE
E PINELOCH AVE
CENTER AVE
SYLVAN AVE
DELANEY ST
S OSCEOLA AVE
Lake Pinelock
RICHARD PL
MN (7.0° W)
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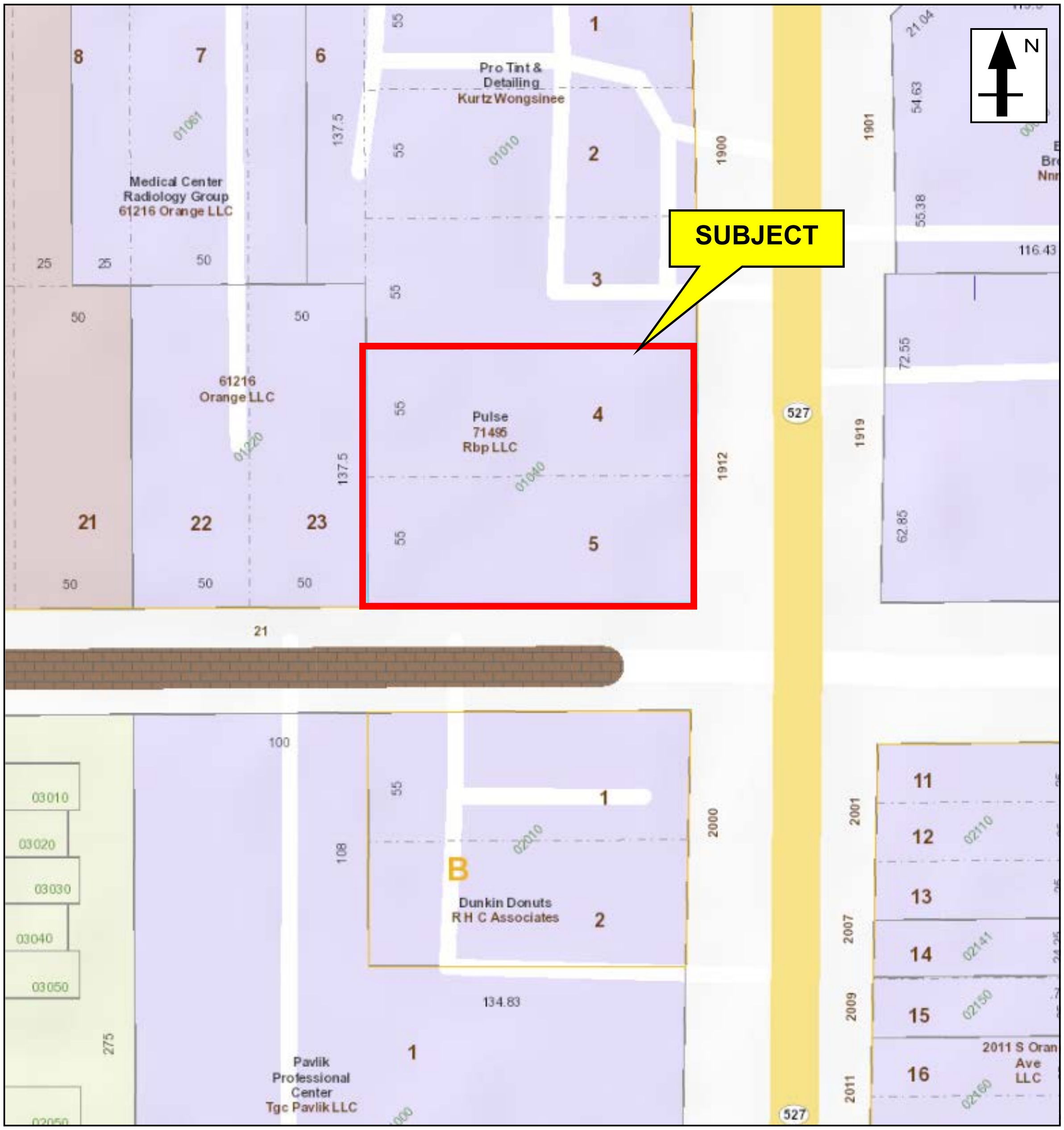
TAX MAP


N
SUBJECT
Pro Tint &
Detailing
Kurtz Wongsinee
Medical Center
Radiology Group
61216 Orange LLC
61216
Orange LLC
Pulse
71495
Rbp LLC
Dunkin Donuts
R H C Associates
Pavlik
Professional
Center
Tgc Pavlik LLC
2011 S Oran
Ave
LLC
527
1900
1901
1912
1919
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2007
2009
2011
21

Approximate Representation
Source: Orange County Property Appraiser

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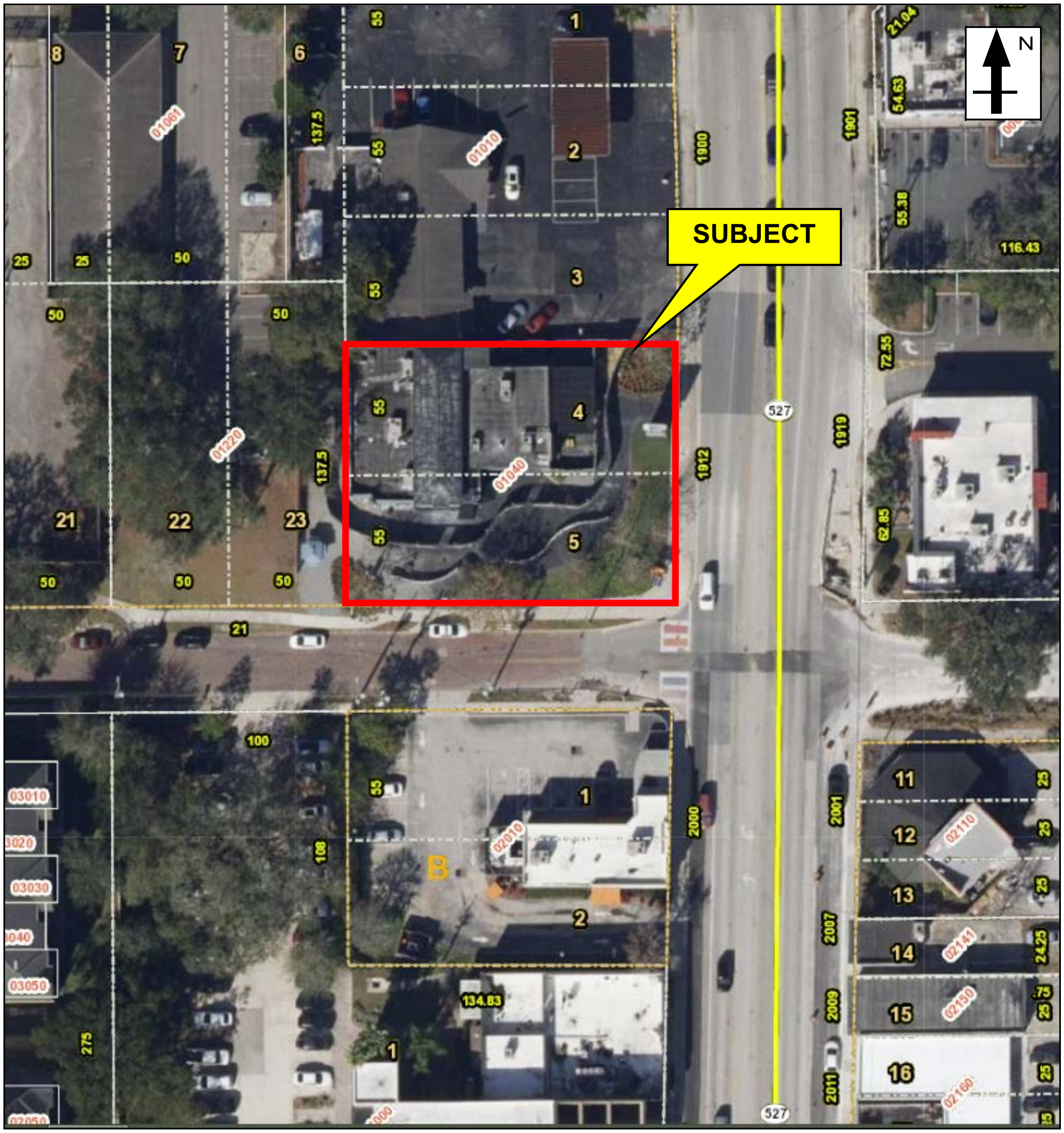
AERIAL PHOTOGRAPH


N
SUBJECT
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01220
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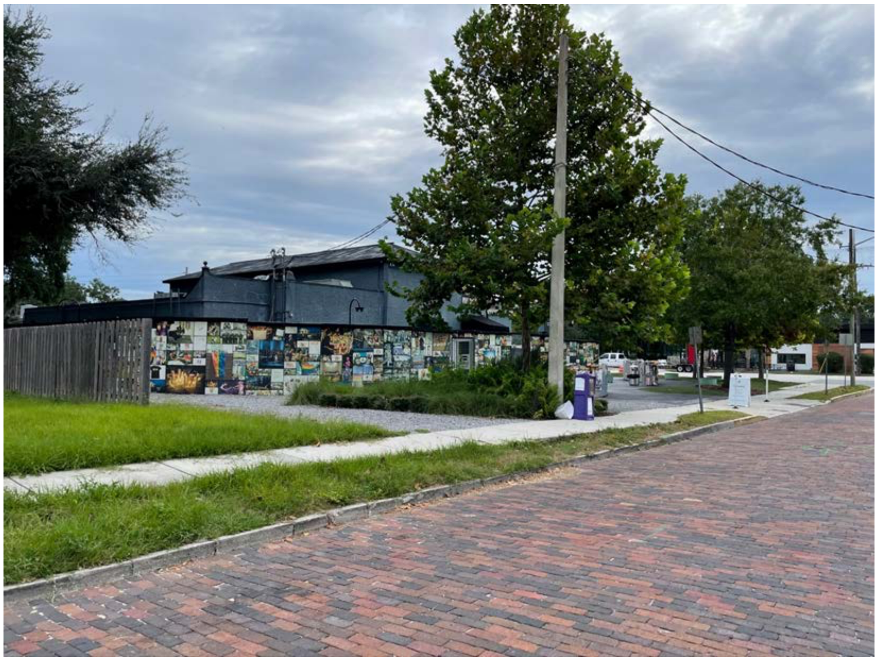
02141
02150
02160
03010
03030
03050
137.5
134.83
116.43
72.55
62.85
55.38
54.63
21.04
275
108
100
B

Approximate Representation
Source: Orange County Property Appraiser

SUBJECT PHOTOGRAPHS



Rear view of subject looking northeast from West Esther Street.

View looking east along W. Esther St. toward S. Orange Ave.

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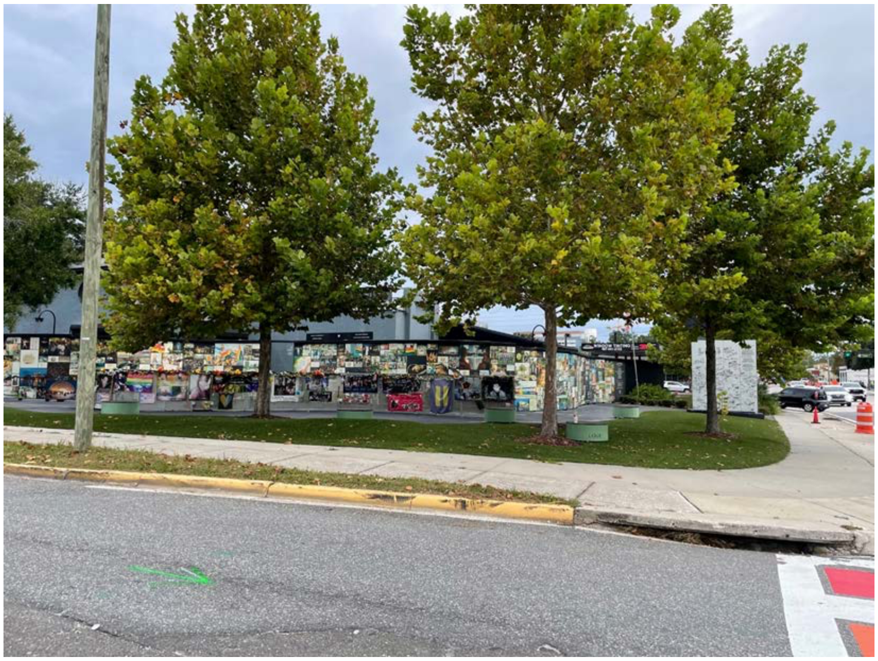
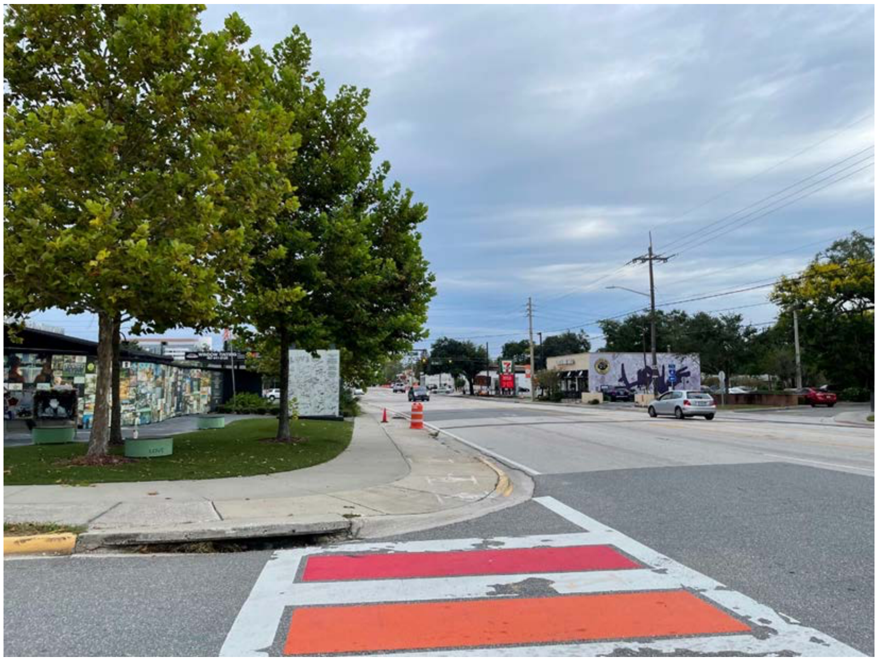


View of subject looking north from West Esther St.



View looking north along South Orange Ave. from W. Esther St.

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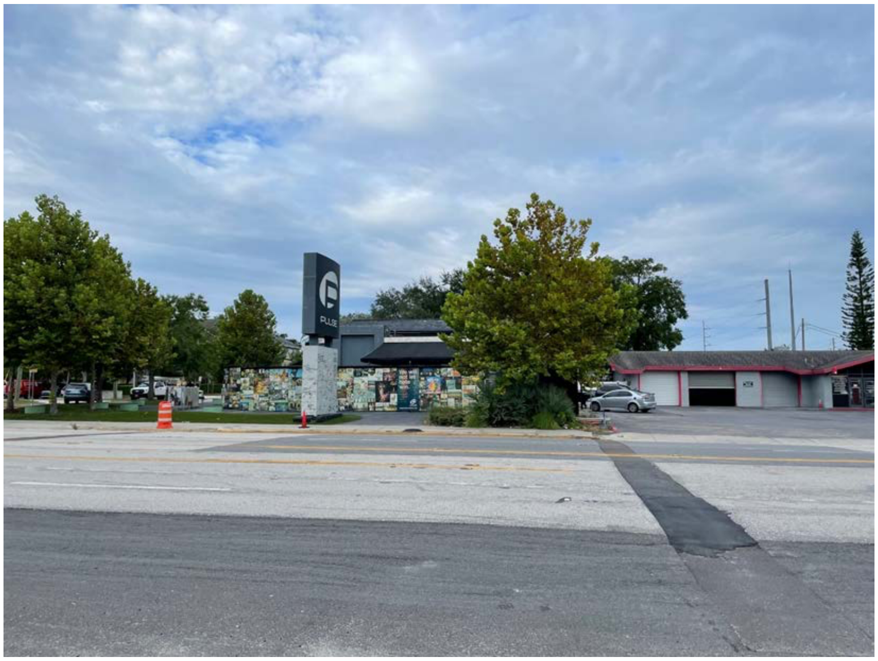

Front view of subject (at left) looking west across South Orange Ave.

View looking south along S. Orange Avenue.

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DEFINITION OF MARKET VALUE

The current definition of market value can be stated as follows:

> The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:
>
> 1) Buyer and seller are typically motivated;
>
> 2) Both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest;
>
> 3) A reasonable time is allowed for exposure in the open market;
>
> 4) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
>
> 5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

This definition is from *The Appraisal of Real Estate*, Fourteenth Edition, by the Appraisal Institute, 2013, Page 59, and *The Dictionary of Real Estate Appraisal*, Appraisal Institute, Fifth Edition, 2010.

DEFINITION OF HIGHEST AND BEST USE

Highest and best use may be defined as:

> The reasonably probable and legal use of vacant land or an improved property that is legally permissible, physically possible, appropriately supported, financially feasible, and that results in the highest value.

The definition immediately above applies specifically to the highest and best use of land. It is to be recognized that in cases where a site has existing improvements on it, the highest and best use may very well be determined to be different from the existing use. The existing use will continue, however, unless and until land value in its highest and best use exceeds the total value of the property in its existing use.

Source: The Appraisal of Real Estate, Fourteenth Edition, by the Appraisal Institute, 2013, Page 333.

DEFINITION OF PROPERTY RIGHTS APPRAISED - FEE SIMPLE ESTATE

Property rights appraised are those of the unencumbered fee simple interest of ownership. According to *The Dictionary of Real Estate Appraisal*, Fifth Edition, 2010, by the Appraisal Institute,

> Fee simple estate - Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

DEFINITION OF EXTRAORDINARY ASSUMPTION

An assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions.

Comment: Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis.

Source: USPAP 2010-2011 Edition, The Appraisal Foundation.

CLIENT

City of Orlando
Real Estate Management Division
400 South Orange Avenue
Orlando, Florida 32801

APPRAISERS

Walter N. Carpenter, Jr., MAI
President
Cert Gen RZ1231

INTENDED USER AND USE OF REPORT

The client and intended user is the City of Orlando. The intended use of this appraisal is to aid the City of Orlando in an acquisition of the property.

IDENTIFICATION OF SUBJECT PROPERTY

The subject was improved with a 4,499 gross leasable square foot bar and nightclub operating as the Pulse Nightclub. The improvements were originally constructed in 1957 and have been renovated and remodeled multiple times over the years. The most recent major renovation was reportedly completed in 2006, when the property was converted to its current use as a nightclub and bar. Per the Extraordinary Assumption used in this report, we have assumed the building to be structurally sound and in working order for continued use as a commercial building.

OWNERSHIP AND FIVE-YEAR TITLE HISTORY

According to the City of Orlando, the subject property is under contract to be purchased for $2,000,000.

There have been no other recent transactions involving the subject property.

DATE OF PROPERTY INSPECTION

October 3, 2023

INSPECTION OF THE SUBJECT PROPERTY

Walter N. Carpenter, Jr., MAI, CRE made an exterior inspection of the subject property on October 3, 2023.

PURPOSE AND FUNCTION OF APPRAISAL

The purpose of this appraisal is to estimate a range of the market value of the subject property as of the date of inspection, being October 3, 2023. The function of this appraisal report is for use by the City of Orlando for assistance in transferring the subject property.

LEGAL DESCRIPTION

Lots 4 and 5, Block A, Ilexhurst Subdivision, according to the plat thereof as recorded in Plat Book G, page 67, Public Records of Orange County, Florida.

SCOPE OF APPRAISAL

The appraisal problem is to estimate the market value of the fee simple interest in the property. The scope of the appraisal included, but was not limited to, an inspection of the subject property, a general and market area analysis, evaluation of the property's physical attributes, a review of planning/zoning issues, highest and best use analyses, land sales analyses, and valuation.

Typically, in order to estimate a value of the property, three standard approaches are generally considered (Cost, Sales Comparison and Income). Involved in each are the collection, verification, and analysis of both general and specific data pertinent to the property. The subject property consists primarily of land with the improvements adding only contributory value. As such, we gathered information on comparable land sales applicable for the subject. This information was confirmed and analyzed and applied within the Sales Comparison Approach to market value. Due to the improvements only having contributory value, the Cost and Income approaches were not considered applicable for this analysis.

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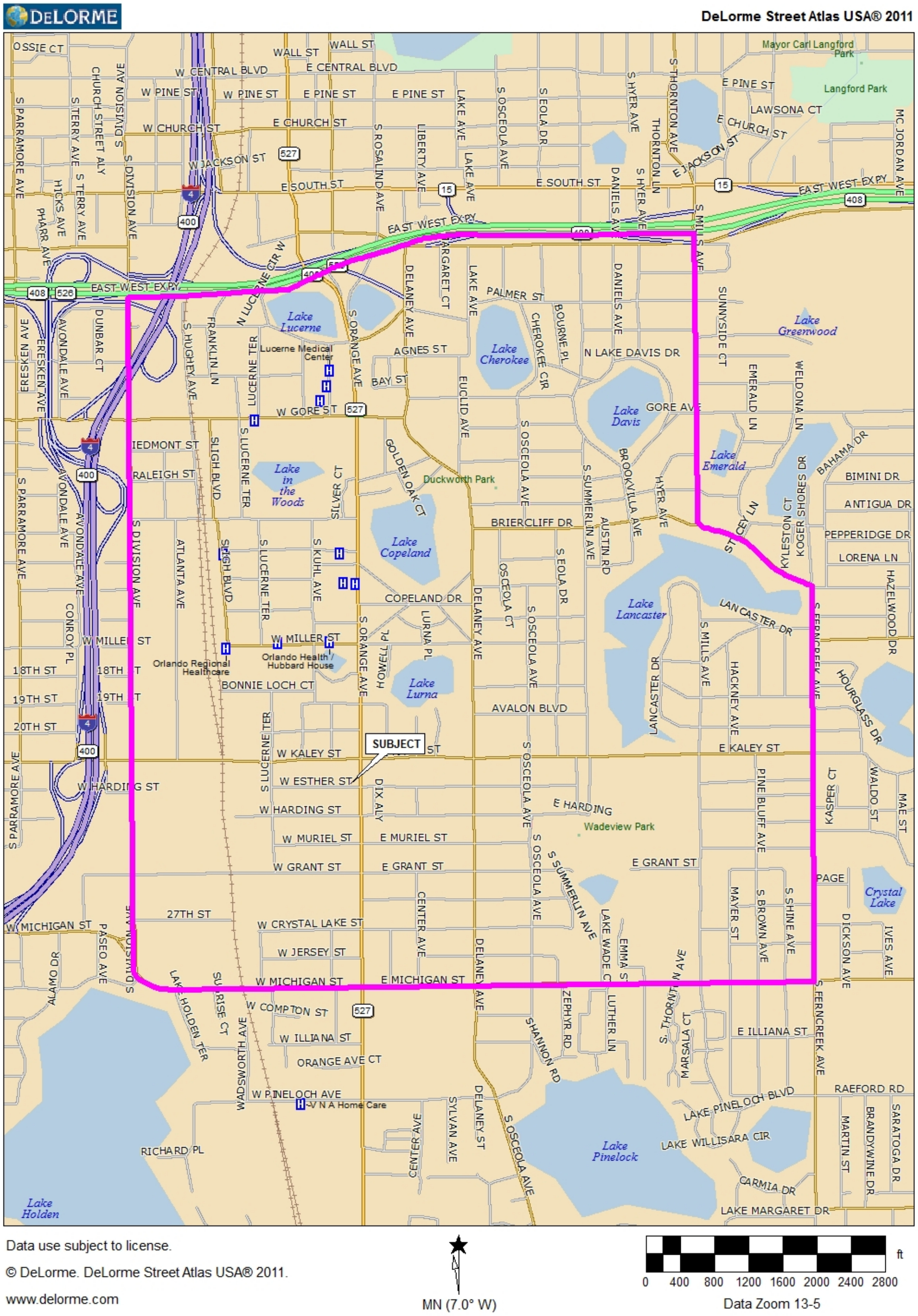
MARKET AREA MAP


DELORME
DeLorme Street Atlas USA® 2011
SUBJECT
Lake Lucerne
Lucerne Medical Center
Lake Cherokee
Lake Davis
Lake Emerald
Lake Greenwood
Lake in the Woods
Lake Copeland
Duckworth Park
Lake Lancaster
Lake Lurna
Orlando Regional Healthcare
Orlando Health / Hubbard House
Wadeview Park
Crystal Lake
Lake Pinelock
Lake Holden
Mayor Carl Langford Park
Langford Park
V N A Home Care
EAST WEST EXPY
W CENTRAL BLVD
E CENTRAL BLVD
W PINE ST
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W CHURCH ST
E CHURCH ST
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E JACKSON ST
E SOUTH ST
W GORE ST
GORE AVE
PIEDMONT ST
RALEIGH ST
N LAKE DAVIS DR
BRIERCLIFF DR
COPELAND DR
W MILLER ST
BONNIE LOCH CT
AVALON BLVD
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W COMPTON ST
W ILLIANA ST
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ORANGE AVE CT
W PINELOCH AVE
LAKE PINELOCH BLVD
LAKE WILLISARA CIR
CARMIA DR
LAKE MARGARET DR
RICHARD PL
LANCASTER DR
S ORANGE AVE
S DIVISION AVE
S MILLS AVE
S FERNCREEK AVE
DELANEY AVE
S OSCEOLA AVE
S SUMMERLIN AVE
LAKE AVE
S HUGHEY AVE
S LUCERNE TER
SLIGH BLVD
ATLANTA AVE
S KUHL AVE
LURNA PL
HOWELL PL
CENTER AVE
SYLVAN AVE
SHANNON RD
S PARRAMORE AVE
18TH ST
19TH ST
20TH ST
27TH ST
W MICHIGAN ST
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MARKET AREA DESCRIPTION AND ANALYSIS

The rationale of the market area analysis is based upon the premise that what occurs in the surrounding market area has a direct and immediate impact on the value of the subject property. A market area is a portion of a larger community or an entire community in which there is a homogeneous grouping of inhabitants, buildings, or building enterprises.

The subject market area can be defined as those properties lying south of the downtown Orlando area. This area is located within central Orange County, in an area situated just south of downtown Orlando in the area of Orlando Health Hospital.

Real Estate Market Cycles

Real estate cycles represent the pattern of values over periods of time, typically ranging from two to three years or up to ten years. Cycles account for value movements (rises and falls) of real estate properties. Each cycle differs from previous cycles in terms of its causes, length, depth, and effect on different property types and regions. Phases of real estate cycles include:

- ***Recession***: In this phase, sales activity is very slow, while prices continue to decline. The decrease in property values varies by type of property and location.

- ***Recovery***: After a period of recession or depression, the market stabilizes, prices begin to recover, and excess inventory begins to be absorbed.

- ***Expansion***: During the expansion phase, prices continue to increase. Construction activity increases dramatically, but at levels consistent with demand.

- ***Oversupply***: At some point in the expansion phase, the market may become overbuilt. In this phase, prices and values begin to sag, sales activity begins to slow, and vacancies begin to increase.

It is our opinion the subject market area as of the date of valuation was experiencing the late stages of an **expansion** phase of the real estate market cycles identified above. This expansion phase is evidenced by a growth in rents and declines in vacancies, coinciding with general growth and optimism in the economy. Further, the resiliency of economic markets throughout Central Florida is reflected in average home prices, remaining relatively steady and continued absorption of residential rental inventory.

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Immediate Subject Neighborhood

The subject neighborhood is in a redevelopment stage as evidenced by some newer properties. This includes new retail space (Walmart Neighborhood Market) at the southeast corner of Michigan Street and Orange Avenue, adjacent to the Publix shopping center, and the large retail center known as Market at Southside (Ross, Pet Supermarket, Bealls Outlet, Dollar Tree, etc.). Additionally, the SODO (South of Downtown Orlando) mixed-use development, located just south of downtown Orlando on the west side of S. Orange Avenue, north of Michigan Street, is a 22-acre project containing 75,000 square feet of office, 300 luxury apartment units, and 370,000 square feet of retail/restaurant space. Current tenants include SuperTarget, TJ Maxx, 24-Hour Fitness, and a diverse mix of national brands, local boutiques, high-energy restaurants, and outdoor cafes. Immediately west of the SODO development and east of Interstate 4, north and south of Michigan Street, is an established industrial neighborhood.

Access to the subject's neighborhood is considered to be good due to the proximity of major highways and arterial roadways: Interstate 4 is a limited access highway which runs through the greater Orlando metropolitan area, then continues southwest to Tampa. Interstate 4 can be accessed from the subject neighborhood via Colonial Drive, the East-West Expressway, Anderson Street, Kaley Avenue and Michigan Street. The East- West Expressway (State Road 408) is a toll-road which provides accessibility throughout the south-central portion of the greater Orlando area. This toll-road is accessible within the subject neighborhood via Crystal Lake Drive, Bumby Avenue, and Orange Avenue, all of which connect to Curry Ford Road. Orange Avenue is a four-lane north-south arterial roadway which has been developed with commercial endeavors throughout the subject neighborhood.

In general, the subject's neighborhood can be described as commercial with residential uses along the neighborhood side streets. The commercial uses in the subject neighborhood are primarily retail and professional office in nature with some scattered gas stations and commercial services. The subject's neighborhood has benefited from the close proximity of the downtown Orlando area. Downtown Orlando has gone through many cyclical changes over the past two to three decades. Redevelopment of the downtown area had a significant positive impact on surrounding business such as professional offices, restaurants, hotels and the service industry and retail trade. During recent years, luxury residential developments have contributed to the most recent downtown growth. The Central Business District of Orlando is typical of many metropolitan areas throughout the country, as it has undergone a transition from a predominantly retail district to a regional center for banking, government and general office development. Orange Avenue is the focal point for office and retail uses downtown.

At Mills Avenue, north of Michigan Street, is the Blankner School (Kindergarten through 8th Grade) and Boone High School (9th through 12th Grade). Blankner was built in 2001 after relocating and expanding from just a block north on Kaley Street and has a current enrollment of over 900 students. Boone High School has an approximate enrollment of over 3,000 students and completed an eight-year renovation process on the campus, featuring a new media center and updated buildings; it was rededicated in the fall of 2005. Both Blankner and Boone are "A" rated schools by the State of Florida.

In summary, the subject's immediate neighborhood constitutes a peripheral area benefiting from proximity to Orlando's Central Business District. The population is relatively stable and is expected to remain so without deterioration in the foreseeable future. In our opinion, the demand for retail/commercial and professional office improvements in the subject neighborhood will continue to exist for the foreseeable future.

DESCRIPTION OF THE SUBJECT PROPERTY

The subject site contains 15,429± square feet, of which all is considered to be developable. Property sizes have been estimated by our review and use of the Orange County Property Appraiser's records and GIS Map tools.

The shape of the subject property is mostly rectangular. The shape of the subject property is not considered to restrict the development potential of the site. The site has adequate frontage and depth to support virtually any type of permitted use.

The subject property has approximately 110 feet of direct frontage along South Orange Avenue and approximately 140 feet of frontage along the north side of West Esther Street. All frontage estimates were calculated by use of the Orange County Property Appraiser's GIS measurement tool. No survey was available to the appraisers.

Topography

The property is level and at grade similar to the surrounding properties.

Access

The subject property is considered to have good ingress and egress provided by its frontages and excellent visibility. The subject corner location is not signalized, but a center turn lane along South Orange Avenue does allow for vehicle stacking and efficient access. The site has one right in right out curb cut and driveway along its South Orange Avenue frontage and an additional east west access driveway along its West Esther Street frontage.

Utilities

All utilities are currently available to the subject.

Easements, Encroachments or Restrictions and their Effect or Limitations on Value

There are no known easements or encumbrances impacting the development potential of the subject property. We did not have a current title report or boundary survey of the property. Therefore, we advise any prospective purchaser or seller to obtain a title report and boundary survey in order to be sure.

Site-Improvements

As of the date of value used in this report, the subject was improved with a former bar/nightclub. Site improvements include paved parking for a reported 11 vehicles, concrete parking curbs, a pole mounted display board along the subject's South Orange Avenue frontage, building mounted exterior lighting, and fencing.

Improvements

The subject site is improved with a freestanding, masonry bar/nightclub building that was built in 1957 and remodeled in 2005. As of the Date of Value, October 3, 2023, the improvements have been closed in the Pulse Nightclub following the mass shooting in 2016. Although an interior inspection was not possible, it is reported the building contains approximately 4,499± gross square feet of leasable area. The second floor consists of a mezzanine area split into two 15' x 15' offices. The total mezzanine office space was reported at approximately 450 square feet. The leasable area has been estimated via discussions with the owner and information contained in the Orange County Property Appraiser's records. The building appeared to have an effective age of about 20 years with a remaining economic life of about 10-15 years.

The owner reported to have spent upwards of $2,200,000 in renovations at the club since it was acquired in February of 2005. Improvements included a new exterior building façade, a $250,000 sound system, new floor and wall coverings, attached, immovable furniture and bar fixtures, and bathroom renovations. The total capacity was reported to be 324 to 425 patrons inside, plus capacity for an additional 100+ outdoor patrons.

There were two large bathrooms along the western perimeter with a total 19 fixtures. An additional two fixture restroom was located near the main entrance at the southeast corner of the building. There are two bars in the interior and one along the northeast exterior wall, with each being equipped with a sink. Additional improvements include a 16'x 8' walk-in cooler/freezer combo.

ZONING/FUTURE LAND USE DATA

The subject property is zoned by the City of Orlando, with a classification of AC-N-T-SP, Neighborhood Activity Center/Traditional City/Specially Planned Area Overlay.

The AC-N district is intended to provide for concentrated areas of neighborhood-serving commercial, office, residential, recreational and cultural facilities, at intensities compatible with surrounding neighborhoods. Although some Neighborhood Activity Centers may be composed of a single type of use, a mixture of land uses is specifically encouraged. These activity centers are intended for locations where arterials and collectors are available, providing convenient access to the surrounding neighborhood.

The Traditional City overlay district is intended to establish urban design standards to perpetuate the positive design elements and the residential and commercial development patterns found within the Traditional City. The Traditional City shall be defined by recognizable geographic boundaries of subdivisions platted prior to World War II in which there is a concentration of the positive design elements.

The SP Overlay District is intended to be a mechanism for creating urban design plans, guidelines, and standards in a coordinated manner to help achieve the goals, objectives, and policies of the Growth Management Plan. The SP Overlay District is also intended to provide opportunities for public participation in the process of planning for the enhancement of specifically defined areas.

It is further intended that the SP Overlay District shall operate in conjunction with any other zoning district in which land may be classified, and that such lands may be used as permitted by such other districts except as may be qualified by the requirements of the SP Overlay District as set forth below.

The subject has Future Land Use designation of MUC-MED, Mixed Use Corridor-Medium Intensity. This district allows for up to 30 dwelling units per acre and/or a F.A.R. of 0.5.

The subject zoning and land use designation are in conformance and allow for a wide range of development options. Overall, we view the leeway provided by the subject's zoning and land use designations as a positive attribute.

REAL ESTATE TAXES AND ASSESSMENTS

The real estate assessments and taxes are administered by the Orange County Property Appraiser. The subject property is comprised of a single tax parcel. Real estate taxes and assessments for the parcel for the most recent tax year (2023) are shown in the following tables:

Parcel ID	OWNER	2023 Assessed Value	2023 Taxable Value	2023 Ad-Valorem Assessment
02-23-29-3828-01-040	71495 Rbp LLC/1299 Sia LLC	$411,508	$214,876	$2,486

FIVE YEAR HISTORY OF PROPERTY

The subject site was acquired by 1912 South Orange, LLC on February I, 2005 from the Contella Family Limited Partnership for the recorded consideration of $925,000. There have been no recorded transactions involving the subject property in the last five years.

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EXPOSURE TIME/MARKETING TIME

Exposure time is the estimated length of time between the hypothetical consummation of a sale of the subject property at market value on the effective date of the appraisal and its listing date. In other words, it is a retrospective opinion based on an analysis of past events assuming a competitive and open market. We have estimated an exposure time of 6-12 months for the subject property, based on an analysis of sales activity in this area. The subject's marketing time is also estimated at approximately 6-12 months.

HIGHEST AND BEST USE

According to *The Appraisal of Real Estate*, the highest and best use is defined as,

> "The reasonable and probable use that supports the highest present land value, as defined, as of the date of the appraisal. Alternatively, the highest and best use is the use, from among reasonably probable and legal alternative uses, found to be physically possible, appropriately supported, financially feasible, and that results in the highest present land value."

In the estimate of highest and best use of the subject, we have considered the property "as though vacant". We have considered those uses which are physically possible, legally permissible, economically feasible and maximally productive. Consideration was given to the individual features of the land, such as size, shape, location, access to roadways, and the availability of utilities. Consideration was also given to the surrounding land uses and the demand for property in the current real estate market.

In the estimate of highest and best use of the subject, we have considered the property in regard to different types of uses, both existing and potential for the property. This is to determine which uses would provide the highest land value, using the four criteria of highest and best use; physically possible, legally permissible, financially feasible, and maximally productive. Consideration was given to the individual features of the land, such as size, shape, location, access and roadways. Consideration was also given to the surrounding land uses and the demand for property in the current real estate market.

Physically Possible – The first step in determining the highest and best use is to examine what potential uses are physically possible. In order to determine what uses are physically possible, we examine all of the physical characteristics of the subject property. This analysis will also consider any physical constraints upon the property which may reduce, or at least hinder in some way, its utility. The subject site is 15,429 square feet in size at a corner with about 110 feet of South Orange Avenue frontage. The site is basically level and well drained. The physical aspects do not pose significant restraint to the site's development to its highest and best use. All utilities are available to the subject property. The limited size of the site could pose some design limitations; however, these could be overcome and/or the site assembled with adjacent property. Our sales search has shown there to be a good market for similarly sized parcels in the neighborhood and greater Orlando market area.

Legally Permissible – The most important legal constraint upon most real estate, including the subject property, is zoning. Zoning laws are designed to allow for the orderly development of communities, rather than permitting a disorganized sprawl. The goal, in general terms, is to provide for compatible neighboring land uses, coordinate the development of primary infrastructure, and reduce the overall cost of providing necessary services to the community. The subject property is under the jurisdiction of the City of Orlando and has a zoning classification of AC-N-T-SP, Neighborhood Activity Center/ Traditional City/ Specially Planned Area Overlay Districts, and has a future land use classification of MUC-MED, Mixed Use Corridor-Medium Intensity (15-30 dwelling units per acre and/or 0.5). From a legal point of view, the subject site could be developed with a range of commercial and mixed uses.

Financially Feasible – Once the physically possible and legally permissible potential land uses have been determined, the next step in estimating highest and best use is to determine which uses are logical, economically feasible, and maximally productive. Determining which uses are logical is based primarily upon the nature of the subject property, the characteristics of the subject neighborhood, and expected growth trends which are projected to impact the subject property. All of these factors are examined within the body of this report.

After determining which uses are logical, it is necessary to determine what potential uses are economically feasible. Strictly speaking, a use which produces any positive overall return, be it cash flow or Internal Rate of Return (IRR), is economically feasible. From the list of economically feasible uses the one use is chosen that produces the greatest return. This is the maximally productive use and is, therefore, the highest and best use of the subject property. This procedure, therefore, can be seen as being shaped like a pyramid, with physically possible uses representing the base and the one maximally productive use representing the peak. Furthermore, a determination of highest and best use must take into consideration not only present influences upon the subject property, but the expectation of future influences as well. The highest and best use of a property can change if market influences on the property change.

Maximally Productive – The subject is located in a well-established office and commercial market with strong demand. This location is in the Orlando Health hospital district which includes the Orlando Health Medical Center, Winnie Palmer Hospital for Women & Babies, and Arnold Palmer Hospital for Children & Women. The subject is also well located within proximity to the area's highways.

Physically, the subject site is well suited for multiple uses. Legally, the site is designated for a variety of commercial uses. Development of the subject property with an office building or mixed-use commercial would likely be economically feasible in the long-term outlook. The subject's location is ideal for any number of uses such as those pre-existing on South Orange Avenue between Michigan Street and Lake Lucerne. Based on these

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findings, we have concluded the subject property's highest and best use "As If Vacant" is for most any use that would be suitable legally as discussed above and still be accommodated by the size and configuration of the site.

HIGHEST AND BEST USE "AS IMPROVED"

The subject site is improved with a former bar/nightclub and was considered structurally sound. As such, the improvements likely add contributory value to the site. The existing improvements represent a physically possible, legally permissible and financially feasible use of the site. Therefore, it appears the most prudent and economical use "As Improved" is for continued use for the remaining life.

VALUATION METHODOLOGY

Real estate appraisal practice ordinarily requires the use of three basic approaches to value. These approaches are commonly referred to as the Cost Approach, Sales Comparison Approach, and Income Approach. These approaches provide the basis for arriving at a final value estimate.

Cost Approach - is the sum of the land value and the depreciated cost new of the site and building improvements. The Cost Approach is based on the premise that the informed, rational, investor/purchaser would pay no more for a property than it would cost to produce a substitute property with the same utility and without undue delay.

Sales Comparison Approach - is the process of comparing sales to the subject property and making qualitative adjustments to these sales for such differences as time, location, size, physical characteristics and other relative pertinent factors. This approach is based on the principle that a prudent purchaser would pay no more to buy a property than it would cost him to buy a comparable substitute property with the same utility and without undue delay.

Income Approach - is based on the premise that a prudent investor would pay no more for a property than he would for another investment property with similar risk and return characteristics. Since the value of an investment can be considered equal to the present worth of anticipated future benefits (dollar income or amenities), this approach first estimates the net income that the property is capable of producing and then “capitalizes” this amount at a market-derived rate which reflects the risk and return characteristics of the investment.

The Sales Comparison Approach will be used in establishing the market value of the subject land area on a per acre basis. The Income Approach was considered in valuing the subject tract; however, it was determined to be inappropriate to the solution of the appraisal problem due to the lack of land lease data in the subject’s market area. Because the property is primarily land, the Cost Approach was not utilized.

SALES COMPARISON APPROACH

The Sales Comparison Approach is based on the assumption that a potential and knowledgeable investor will pay no more for a property than the cost of acquiring an existing property with basically the same utility.

In estimating the market value of the subject property on a per square foot basis, I have applied the Sales Comparison Approach to estimate the market value of the land. Land sales of property similar to that on the subject property, located in the subject's market area south of downtown Orlando or along major commercial thoroughfares were considered. The results of our research provided five closed sales summarized in chart form on the page following a location map of the sales in relation to the subject property.

The advantages and disadvantages of each sale are taken into account in the form of qualitative adjustments or comparisons. A comparison is indicated by market support and reasoning without the estimation of quantitative adjustments. In this case, comparisons will be made based on the similar, superior, or inferior characteristics of the sale property compared to the subject property.

I recognize the real estate market is not perfect; however, I have tried to estimate the appropriate comparisons for application to the individual sales. For this analysis, I have estimated a land value for the subject property based on a unit value indication for the square foot size of land area.

The Appraisal of Real Estate – 14th Edition states, "Comparative analysis is the general term used to identify the process in the Sales Comparison approach in which quantitative and qualitative techniques are applied to comparable sales data to derive a value indication. An appraiser may use both quantitative adjustments and qualitative analysis in comparative analysis.

The process of researching and applying adjustments involves a thorough analysis of the comparable sales to identify the elements of comparison that affect the value of the type of property being appraised. Quantitative adjustments derived in comparative analysis and applied to the sale prices of the comparable properties may be expressed in numerical amounts (e.g., dollars, percentages). The conclusions of qualitative analysis may be described in terms that clearly convey the relative difference between the comparable property and the subject in regard to each element of comparison (e.g., inferior, superior, similar). The intended users of the report must readily understand the evidence that supports a numerical adjustment and the source of all value conclusions.

As a comparative technique, the appraiser will use the relative comparison analysis in the application of the qualitative analysis. Relative comparison analysis is the study of the relationships indicated by market data without recourse to quantification, i.e., the data reveals an ordinal relationship between elements of the data set. Many appraisers use this technique because it reflects the imperfect nature of real estate markets. To apply this technique, the appraiser analyzes comparable sales and identifies whether the

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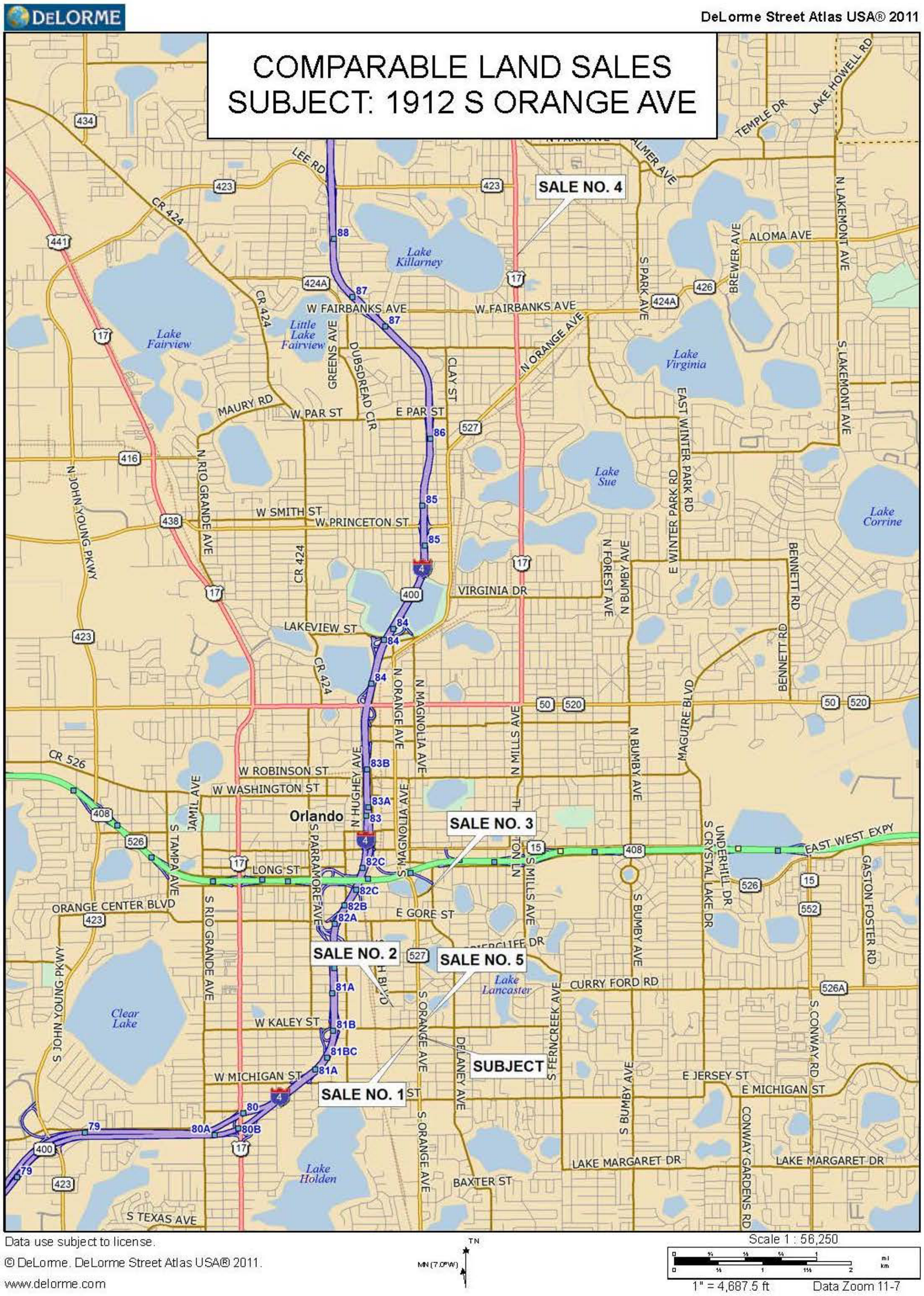
characteristics of the comparable properties are inferior, superior, or similar to those of the subject property.

The appraiser has identified several elements of comparison, the characteristics of properties and transactions that help explain the variances in the prices paid for real property and has prepared an adjustment grid so that the Intended Users may see the relative comparisons between the property being appraised and the comparable properties, as well as the range of values or brackets obtained from this analysis. The relative comparison analysis is summarized in the table following the discussion of sales and listings.

COMPARABLE LAND SALES MAP


DeLORME
DeLorme Street Atlas USA® 2011
COMPARABLE LAND SALES
SUBJECT: 1912 S ORANGE AVE
SALE NO. 4
SALE NO. 3
SALE NO. 2
SALE NO. 5
SALE NO. 1
SUBJECT
Orlando
Lake Killarney
Lake Fairview
Little Lake Fairview
Lake Virginia
Lake Sue
Lake Corrine
Clear Lake
Lake Holden
Lake Lancaster
W FAIRBANKS AVE
N ORANGE AVE
S ORANGE AVE
E MICHIGAN ST
W MICHIGAN ST
LAKE MARGARET DR
CURRY FORD RD
Data use subject to license.
© DeLorme. DeLorme Street Atlas USA® 2011.
www.delorme.com
Scale 1 : 56,250
1" = 4,687.5 ft
Data Zoom 11-7

COMPARABLE LAND SALES CHART

SALE NO.	SUBJECT	SALE NO. 1	SALE NO. 2	SALE NO. 3	SALE NO. 4	SALE NO. 5
OR BOOK/PAGE		20220308383	20210795234	20210712573	20170567508	20140432994
ADDRESS	1912 S Orange Ave	21 W Esther St	84 Bonnie Loch Ct	224 S Lucerne Cir E	220 N Orlando Ave	1900 S Orange Ave
LOCATION	Along the northwest intersection of S Orange Ave and W Esther St.	West of S Orange Ave, and bracketed by W Kaley St to the north and W Esther St to the south. Directly west of subject.	Along the south side of Bonnie Loch Ct, and just west of S Orange Ave.	Along the south side of S Lucerne Cir E, and just west of Delaney Ave.	Along the southeast intersection of N Orlando Ave, and Symonds Ave.	Along the southwest intersection of S Orange Ave, and W Kaley St.
GRANTOR	71495 RBP, LLC & 1299 SIA, LLC	Medical Center Radiology Group of Drs. Curry, Harding, George & Eliscu, P.A.	TTBY, Inc	Dan H. Honeywell	220 North Orlando, Ltd.	Mansoo Chang & Sung Sook Chang
GRANTEE		61216 Orange, LLC	1723 Lucerne Property Owner LLC	KLM Holdings Lucerne, LLC	CentreCorp, Inc.	Wongsinee Kurtz
SALE DATE		May-22	Dec-21	Nov-21	Oct-17	Aug-14
SALE PRICE		$1,000,000	$548,800	$900,000	$2,100,000	$900,000
COUNTY	Orange	Orange	Orange	Orange	Orange	Orange
CITY	Orlando	Orlando	Orlando	Orlando	Winter Park	Orlando
ZONING	AC-N/T/SP	O-2/T/SP	O-2/T/SP	O-1/T/HP/AN	C-3	AC-N/T/SP
FUTURE LAND USE	MUC-MED	OFFICE-MED	OFFICE-MED	OFFICE-LOW	LOW DENSITY	MUC-MED
SIZE: GROSS ACRES	0.35	0.63	0.14	0.63	0.33	0.61
SIZE: GROSS SQUARE FEET	**15,429**	**27,443**	**6,098**	**27,443**	**14,375**	**26,572**
PRICE / GROSS SQUARE FEET		**$36.44**	**$89.99**	**$32.80**	**$146.09**	**$33.87**
TRANSACTIONAL COMPARISONS						
PROPERTY RIGHTS CONVEYED		Similar	Similar	Similar	Similar	Similar
FINANCING		Similar	Similar	Similar	Similar	Similar
CONDITIONS OF SALE		Similar	Similar	Similar	Similar	Similar
MARKET CONDITIONS		Inferior	Inferior	Inferior	Inferior	Inferior
PROPERTY COMPARISONS						
LOCATION		Similar	Similar	Inferior	Superior	Similar
ACCESS/VISIBILITY		Inferior	Inferior	Similar	Similar	Similar
SIZE		Inferior	Superior	Inferior	Similar	Inferior
ZONING		Inferior	Inferior	Inferior	Similar	Similar
OVERALL COMPARISON		**Inferior**	**Similar**	**Inferior**	**Superior**	**Inferior**
NOTES	**Currently improved with a former 4,499 sf nightclub.**	**Two tax parcels, one vacant and one improved with a 4,000 sf 41 year old medical office. Purchased for the benefit of the Pulse Foundation.**	**Grantee purchased adjacent 10,142 sf office medical in a separate transaction on the same day for $3,201,300.**	**Professional office property southeast of downtown Orlando.**	**Improved with an older retail building which was demolished and the site redeveloped.**	**Next door to subject site. Improvements were considered to have little contributory value as of the 2014 purchase date.**

Sales Comparison Approach Methodology

Within the Sales Comparison Approach, there are several applications and methods of comparison. We have applied the price paid per square foot.

Price per Square Foot Analysis

The comparable land sales utilized in this analysis are summarized on the preceding page. The land sales occurred between August 2014 and May 2022 and result in a unit value range from $33.87 per square foot to $146.09 per square foot. Adjustments to the land sales were considered for property rights conveyed, financing, conditions of sale, market conditions, location, access/exposure, size/shape and zoning/future land use. The following is a brief description of the comparable land sales utilized.

Property Comparison:

1. Location: The subject property enjoys an excellent commercial location lying a short distance south of the Orlando Health Hospital campus, just south of downtown Orlando. Sales 1, 2 and 5 are considered to have similar locational benefits relative to Orlando Health's campus, as well as downtown Orlando. Sale 3's location is considered inferior with more of an office use compared to commercial. The location of Sale 4 is considered superior as it is along U.S. Highway 17-92, a highly travelled commercial thoroughfare in Winter Park.

2. Access/Visibility: Sales 1 and 2 locations are considered inferior, being along less travelled east/west roads south of downtown Orlando. Sales 3, 4 and 5 are corner locations with access and/or visibility similar to the subject property.

3. Size: Sale 1, 3 and 5 are twice the size of the subject site requiring an upward adjustment due to the economy of scale within smaller sites which typically trade for higher per unit prices. Sale 4 has a similar size to the subject, while Sale 2 is considerably smaller than the subject.

4. Zoning: Sales 4 and 5 enjoy similar commercial activity center designation as the subject. Sales 1, 2 and 3 primarily are designated office uses according to zoning, which doesn't allow the intensity and/or variety of uses.

Valuation Conclusion

In valuing the subject property, I have analyzed market data, the location, size and activity center designation.

Placing most weight on the sales detailed on the previous pages which best reflect the most recent sales of properties similar to the subject, I have estimated a unit value indication for the subject property, via the Sales Comparison Approach, at $90.00 per

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square foot. The estimated market value of the subject by the Sales Comparison Approach is indicated as follows:

Land Value Estimate

15,429± SF @ $90.00/SF	=		$1,388,610
		RTO	**$1,400,000**

Contributory Value of Improvements

Although the future use of the subject building (4,500± SF), paved parking and landscaping is in doubt, it was reported the property benefited from a $2,200,000 renovation in February, 2005. Therefore, in order to estimate a range of the contributory value for the "building shell" and site improvements, the following analysis was made:

4,500 SF	4,500 SF
x $200/SF	x $251/SF
$900,000	$1,129,500
x $0.50	x $0.50
$450,000	$564,750

RECONCILIATION AND FINAL VALUE ESTIMATE

As previously discussed, we have primarily relied upon the Sales Comparison Approach in valuing the subject property. Based upon all the above, the following is the estimated value of the subject property as of October 3, 2023:

$1,850,000 - $1,965,000 (RTO)

ADDENDUM

ZONING MAP

FUTURE LAND USE MAP

QUALIFICATIONS OF APPRAISERS

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ZONING MAP

23-094

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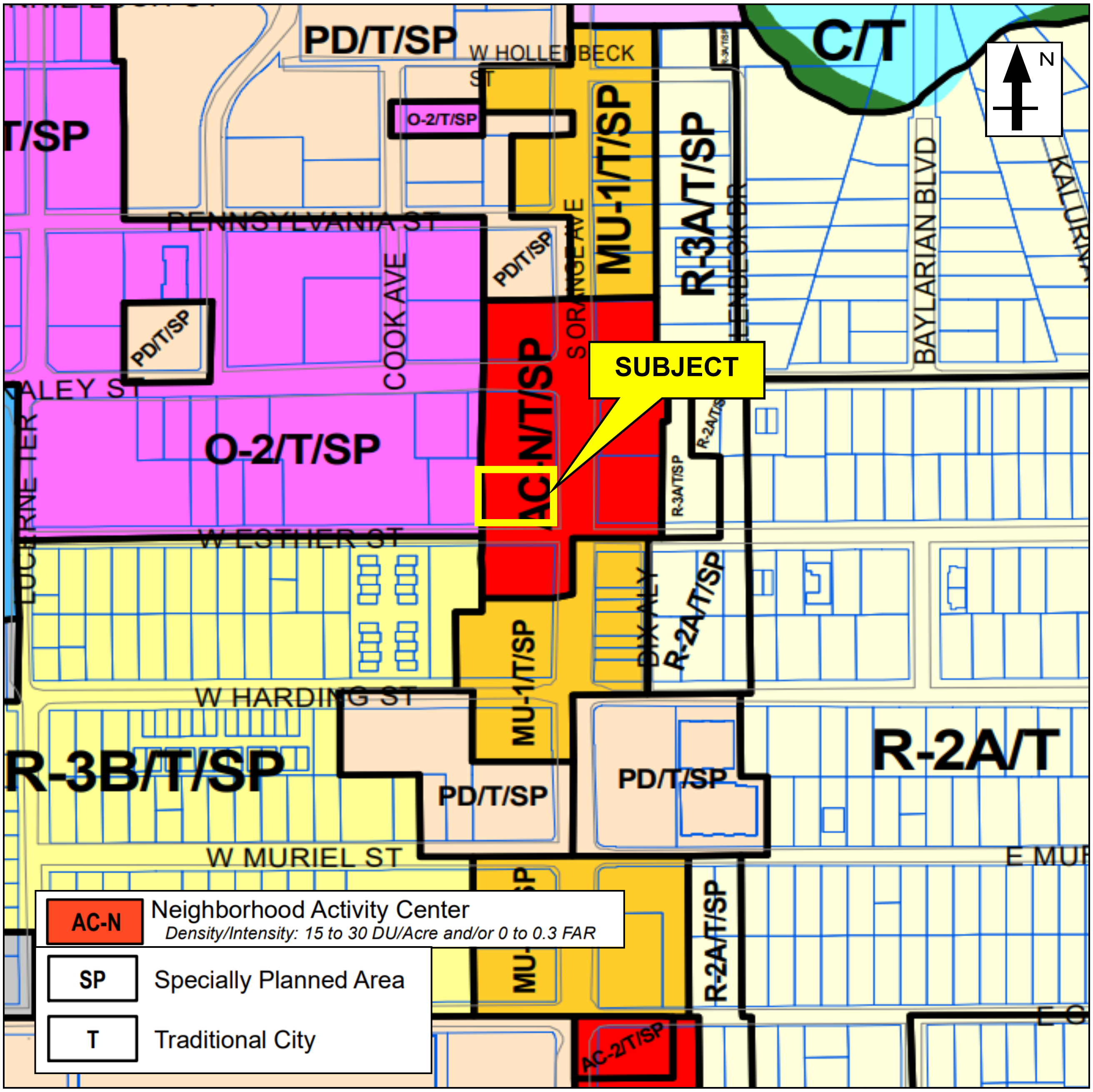
PD/T/SP
W HOLLENBECK ST
C/T
N
T/SP
O-2/T/SP
MU-1/T/SP
R-3A/T/SP
BAYLARIAN BLVD
PENNSYLVANIA ST
PD/T/SP
S ORANGE AVE
COOK AVE
PD/T/SP
SUBJECT
AC-N/T/SP
O-2/T/SP
R-2A/T/SP
R-3A/T/SP
W ESTHER ST
DIX ALY
R-2A/T/SP
MU-1/T/SP
W HARDING ST
R-3B/T/SP
PD/T/SP
PD/T/SP
R-2A/T
W MURIEL ST
R-2A/T/SP
AC-2/T/SP
AC-N Neighborhood Activity Center
Density/Intensity: 15 to 30 DU/Acre and/or 0 to 0.3 FAR
SP Specially Planned Area
T Traditional City

Approximate Representation
Source: City of Orlando, ZONING

FUTURE LAND USE MAP

23-094
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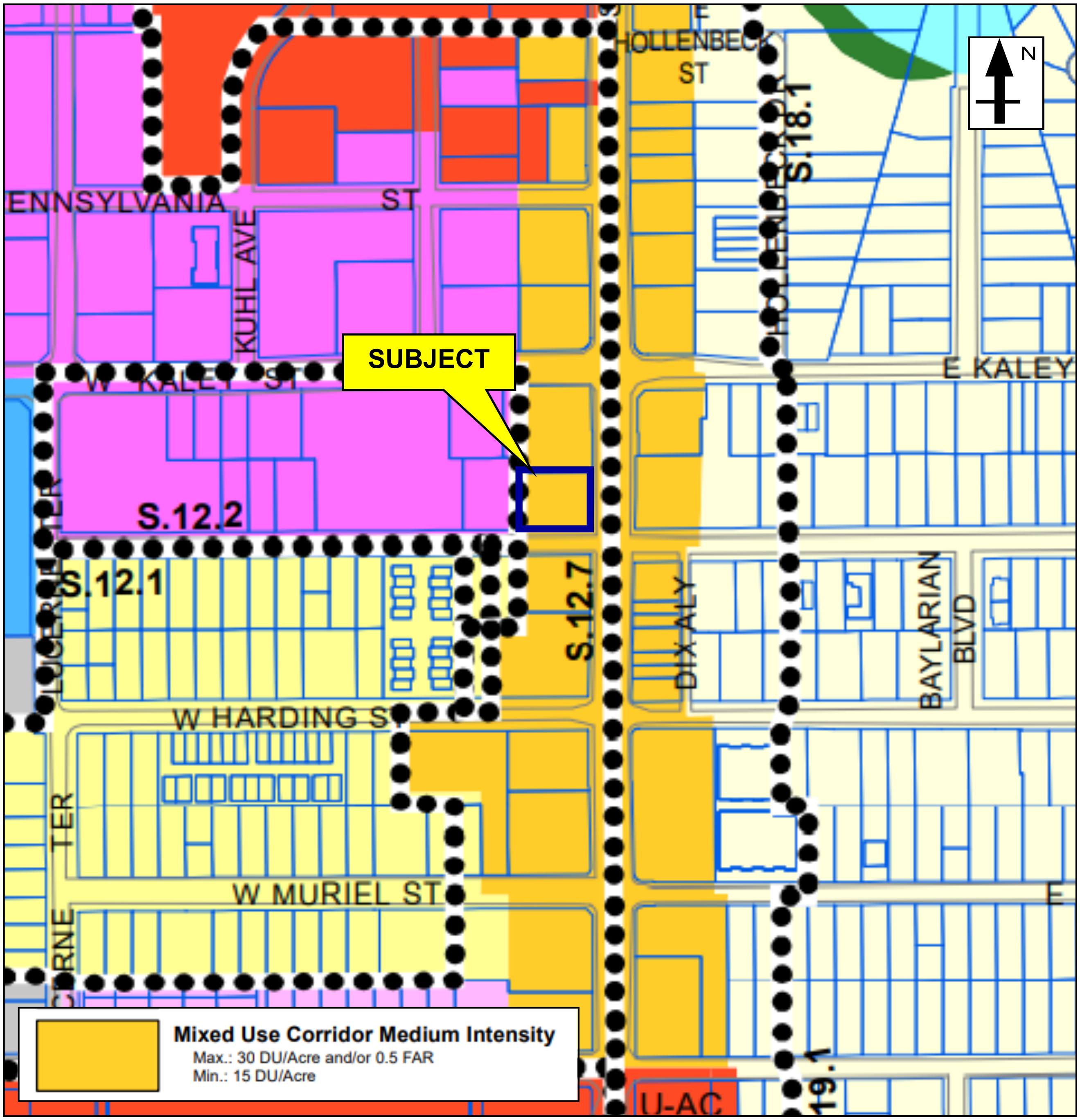
SUBJECT
N
ENNSYLVANIA
ST
KUHL AVE
W KALEY ST
E KALEY
E HOLLENBECK ST
HOLLENBECK DR
S.18.1
S.12.2
S.12.1
S.12.7
LUCERNE TER
DIX ALY
BAYLARIAN BLVD
W HARDING ST
TER
W MURIEL ST
E
RNE
19.1
U-AC
Mixed Use Corridor Medium Intensity
Max.: 30 DU/Acre and/or 0.5 FAR
Min.: 15 DU/Acre

Approximate Representation
Source: City of Orlando, FUTURE LAND USE

QUALIFICATIONS OF APPRAISERS

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QUALIFICATIONS OF APPRAISER
WALTER N. CARPENTER JR., MAI, CRE

BUSINESS ADDRESS

Pinel & Carpenter, Inc.
1390 Hope Road, Suite 100
Maitland, FL 32751

EDUCATION

University of Florida; Bachelor of Science Degree in Business Administration majoring in Real Estate, 1975.

PROFESSIONAL EDUCATION

Completed the following courses under the direction of the American Institute of Real Estate Appraisers:

- National USPAP Update (2022)
- Florida Law Update (2022)
- Bifurcated-Hybrid Appraisals (2022)
- Appraisal of Fast-Food Facilities (2022)
- USPAP Update (2022)
- Legal Issues for Non-Lending and Litigation Appraisal Assignments (2021)
- USPAP Update (2020)
- Florida Law Update (2020)
- Desktop Appraisals (Bifurcated, Hybrid) and Evaluations (2020)
- Transferred Value (2020)
- The Appraiser as an Expert Witness: Preparation and Testimony (2019)
- Evaluating Commercial Leases: The Tenant and the Terms Both Matter (2019)
- Supervisory Appraiser/Trainee Appraiser (2018)
- Another View of The Tough One: Comparison Approach for Mixed Use Properties (2018)
- The Tough One: Mixed Use Properties (2018)
- National USPAP Update (2018)
- Florida Law (2018)
- National USPAP Update (2016)
- Florida Law (2016)
- Business Practices & Ethics (2015)
- Supervisory Appraiser/Trainee Appraiser (2015)
- Purchase Price Allocations for Financial Reporting & Tax (2014)
- National USPAP Update (2014)
- Florida Law (2014)
- Business Practices & Ethics (2013)
- National USPAP Update (2012)
- Florida Appraisal Law (2012)
- Financial Crimes Symposium (2011)
- Litigation Appraising: Specialized Topics & Applications (2011)
- The Appraiser as an Expert Witness (2011)
- National USPAP Update (2010)
- Appraisal Curriculum Overview (2010)
- National USPAP Equivalent (2008)
- Business and Ethics (2008)
- Identify & Prevent Real Estate Fraud (2008)
- USPAP Update (2006)
- Eminent Domain (2005)
- USPAP Update (2004)
- Appraisal of Real Estate (2004)
- Separating Real and Personal Property from Intangible Business Assets (2003)
- Condemnation Appraising: Advanced Topics and Applications (1999)
- Litigation Valuation/Mock Trial (1993)
- Litigation Valuation (1992)

QUALIFICATIONS OF APPRAISER WALTER N. CARPENTER JR., MAI, CRE
Contd.

- Standards of Professional Practice Exam SPP (1990)
- Fundamentals of Appraising (1975)
- Litigation Valuation (1987)
- The Electronic Spreadsheet in the Appraisal Office-Seminole Community College (1985)
- Standards of Professional Practice (1984)
- Introduction to R.E. Investment Analysis (1983)
- Urban Properties (1977)
- Capitalization Theory and Techniques (1976)

SEMINARS ATTENDED
- 2019 Central Florida Real Estate Forum (2019)
- Ignorance Isn't Bliss: Understanding an Investigation by a State Appraiser Regulatory Board or Agency (2019)
- 2018 Central Florida Real Estate Forum: Unity of the Community (2018)
- Appraising for Department of Interior-OVS and other Federal Agencies (2018)
- New Technology for Appraisers (2016)
- Fall Education Seminar Assoc. of Eminent Domain Professionals (2016)
- Online Cool Tools: New Technology for Real Estate Appraisers (2016)
- 2014 Central Florida Real Estate Forum: Unity of the Community (2014)
- Senior Housing & Long Term Care Properties (2014)
- Excel as an Appraiser: Making Your Job Easier Using Excel Spreadsheets (2013)
- Understanding the Loan Quality Initiative & Residential Collateral Data Delivery (2011)
- Investment Firm & Institutional Investor Initiative & Perspectives on RE Valuation (2010)
- Understanding Repurchase Demands & Rebuttal Appraisals (2010)
- Analyzing the Effects of Environmental Contamination (2010)
- Financial Reform Legislation (2010)
- Property Tax Assessment (2010)
- Residential Valuation Trends (2009)
- Valuation for Financial Reporting (2009)
- Analyzing Operative Expenses (2008)
- Analyzing Distressed Real Estate (2008)
- Supervisory/Trainee Roles & Relationship (2008)
- Appraisal Law Update (2008)
- Appraiser Law Update (2006)
- Appraisal Scope of Work (2006)
- Technology III (2006)
- Complex Cures Using Before and After Techniques (2000)
- Technology Forum, Part I (1999)
- Valuing Your Business (1999)
- Case Study Seminar (1999)
- The Globalization of Real Estate (1999)
- Appraisal of Local Retail Properties (1998)
- The Appraisal and Capital markets (1998)
- Understanding and Using DCF Software (1998)
- The High Tech Appraisal Office (1996)
- The Internet and Appraising (1996)
- Case Law of Eminent Domain (1996)
- Special Purpose Properties-Challenges of Real Estate Appraising/ Limited Markets (1995)
- Understanding Limited Appraisals (1994)
- Core Law Update (1994)
- Appraising Troubled Properties (1992)
- Reviewing Appraisals (1990)
- Persuasive Style in the Narrative Appraisal (1989)
- Standards of Professional Practice Update (1988)
- Applied Appraisal Techniques (1983)
- Applied Statistical Analysis in Appraising (1980)
- Income Capitalization Workshop (1978)
- New Developments in Condemnation (1975)
- H.U.D. Uniform Act of 1970

QUALIFICATIONS OF APPRAISER WALTER N. CARPENTER JR., MAI, CRE

Contd.

Completed the following courses and seminars under the direction of the Real Estate Securities and Syndication Institute:

- Applied Real Estate Syndication (1981)
- Syndication Real Estate (1982)
- Real Estate Partnership Administration

LICENSES

State-Certified General Real Estate Appraiser
License No. RZ1231

Real Estate Broker, State of Florida
License No. BK 0130637

PROFESSIONAL DESIGNATION

Member of the Appraisal Institute, holding the MAI designation, Certificate No. 7567
Member of the Counselors of Real Estate, CRE

EXPERIENCE

President, Pinel & Carpenter, Inc., 1987 to present.
Vice-President, Pinel, Rex & Carpenter, Inc., 1980-1987
Associate and Assistant to Thomas H. Pinel, MAI, 1975-1980.

Active in real estate sales in Orlando since 1974 and in real estate appraising since 1975.

Completed appraisals of military bases, water/wastewater treatment plants, residential, commercial, and industrial properties, citrus groves, and special purpose properties, including office buildings, shopping centers, apartments, condominiums, theaters, restaurants, churches, dance studios, child care centers, etc., prepared for attorneys, accounting firms, banks, Internal Revenue Service, City of Orlando, Orange County, corporations, and individuals since 1975.

MAJOR APPRAISALS

duPont Centre, Church Street Station Entertainment Complex, Disney's Celebration City, LeeVista Center, Airport Industrial Park at Orlando, Hunter's Creek, City of Casselberry Electric & Distribution System, City of Port St. Lucie Water & Waste Water System, City of New Smyrna Water & Waste Water System, Eastern Subregional Waste Water Treatment Plant, Fairbanks Avenue Widening, Oak Ridge Road Widening, Conroy-Windermere Road Widening, Old Winter Garden Road Widening, and Forsyth Road Widening, Naval Training Center at Orlando, the Charleston Navy Base, City of Winter Park Utilities System, Gulfstream Properties Natural Gas Pipeline, Universal Studios – MCA Parcels

PROFESSIONAL SERVICE

- NFIB, National Federation of Independent Business, Leadership Council
- Member of The Counselors of Real Estate, 2003 to present
- Executive Committee, Urban Land Institute, 2000 to 2012
- National Board of Directors, Appraisal Institute, 2001 - 2004

- Executive Committee, Appraisal Institute, 2003 -2004
- National Committee of Regional Chairs, Chairman Appraisal Institute, 2004
- National Chairman, Government Relations Committee, Appraisal Institute, 2000 - 2001
- Vice Chairman, Government Relations Committee, Region X, Appraisal Institute, 1997 - 2000
- Chairman, Government Relations Committee, Appraisal Institute, East FL Chapter, 1994 - 1999
- President, East Florida Chapter Appraisal Institute, 2001
- Vice-President, East Florida Chapter Appraisal Institute, 1999
- Treasurer, East Florida Chapter Appraisal Institute, 1998
- Secretary, East Florida Chapter Appraisal Institute, 1997
- Director, East Florida Chapter Appraisal Institute, 1996 to 2002
- Member of the Legislative Committee, Home Builders Association of Mid-Florida, 1985 - 1999
- Member of the Legislative Committee, Greater Orlando Association of Realtors
- Alumni Relations Director, Florida Blue Key Alumni Association of Central Florida
- Member of the Real Estate Securities and Syndication Institute
- Member of the Central Florida Investment Council
- Chairman, Education Committee, Greater Orlando Association of Realtors, 1988
- Director, The Economic Club of Orlando, 1985-1988
- Member of the Real Estate Advisory Board, Center for Real Estate Studies, University of Florida, Warren College of Business, 2001 to present
- Member of the National Federation of Independent Business Florida Chapter
- Member of the Association of Eminent Domain Professionals,
- Member of The Executive Committee (TEC), 2003 to 2012
- Member of US Chamber of Commerce
- Member of Orlando Regional Chamber of Commerce
- Moderator of Linear Rights-of-Way Workshop, Washington, DC, December 2001

COMMUNITY SERVICE

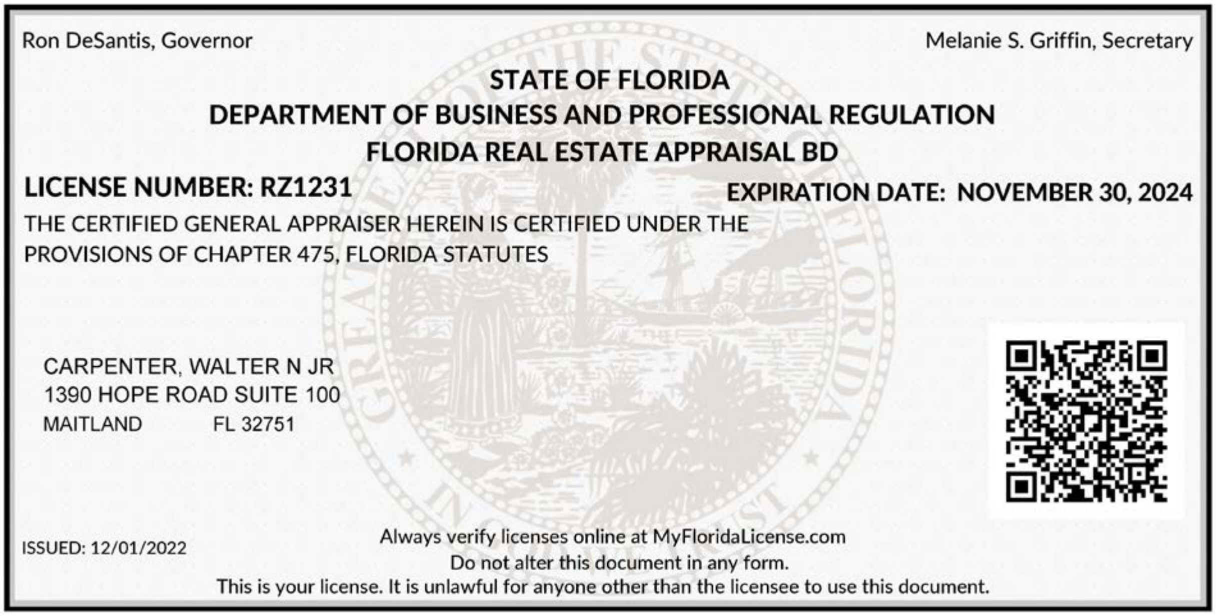
- Member, State of Florida Employer-Sponsored Benefits Study Task Force, 2013-2014
- President, Central Florida Fair, 2000-2002
- Director, Central Florida Fair, 1992 to present
- Chairman, Last Wave Committee, House of Hope, 1999
- Chairman, Stewardship Committee, St. Michael’s Episcopal Church, 1998, 2009, 2010
- Chairman, Search Committee, St. Michael’s Episcopal Church, 2014
- Ninth Judicial Circuit Grievance Committee Member, 1998 – 2000
- Director, Christian Service Center, 2008-2013
- Treasurer, Christian Service Center, 2013
- Director, Canterbury Episcopal Retreat & Conference Center, 1996 - 2000
- Director, Winter Park YMCA, 1987-1991
- Vestry, St. Michael’s Episcopal Church, 1979-1981; 1989-1992
- President, Board of Directors, Big Brothers and Big Sisters of Central Florida, Inc., 1979
- Director, Big Brothers of Greater Orlando, Inc., 1977-1979
- Member of Committee of 100 Orange County
- Board of Directors, Committee of 100 Orange County, 2014
- Member of Florida United Business Association
- Member of The Leadership Trust NFIB

Walter N. Carpenter

State of Florida

Department of Business and Professional Regulation

License



Ron DeSantis, Governor

Melanie S. Griffin, Secretary

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FLORIDA REAL ESTATE APPRAISAL BD

LICENSE NUMBER: RZ1231

EXPIRATION DATE: NOVEMBER 30, 2024

THE CERTIFIED GENERAL APPRAISER HEREIN IS CERTIFIED UNDER THE PROVISIONS OF CHAPTER 475, FLORIDA STATUTES

CARPENTER, WALTER N JR
1390 HOPE ROAD SUITE 100
MAITLAND FL 32751

ISSUED: 12/01/2022

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Appendix O: Sworn Affidavits from the City of Orlando

Documenting that neither OPD or OFD had a written policy/procedure in place for responding to active shooters or assailants. These affidavits were produced in 2026 in response to ongoing public records litigation, Zachary Blair v. City of Orlando (2025).

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

ZACHARY BLAIR, CASE NO. 2025-CA-011023-O

Plaintiff,
v.

CITY OF ORLANDO,

Defendant.
_______________________________/

AFFIDAVIT

STATE OF FLORIDA)

COUNTY OF ORANGE)

BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgments, personally appeared Tanesha Braunskill, who, after being duly sworn, deposes and says:

1. My name is Tanesha Braunskill. I am over the age of 18 and have personal knowledge of the facts contained in this Affidavit.
2. I am employed by the City of Orlando as the Professional Services Captain for the Orlando Police Department ("OPD").
3. As part of my duties with OPD, I have overseen a diligent search for all OPD active shooter/assailant protocols and policies in effect on June 12,

2016, and for all OPD active shooter or active assailant training materials given to OPD officers between January 1, 2015 and June 12, 2016.

4. On June 12, 2016, OPD did not have any protocols or policies that pertained solely to active shooter/assailant situations.

5. A search of OPD training records for items related to active shooter or active assailant training between January 1, 2015 and June 12, 2016 has now revealed eight documents in total and one detailed training video.

6. Of those, four documents (1) OPD Active Shooter PowerPoint Presentation_Redacted.pdf, (2) 2015 Part 11 Active Shooter Lesson Plan_Redacted.pdf, (3) 2014 SWAT 5-28-14_Redacted.pdf (SWAT Scenario Lesson Plan), and (4) 2014 Community Exercise – Barnett Park_Redacted.pdf were provided to the Petitioner on March 12, 2025 after information pertaining to the mobilization, deployment, or tactical operations of the police department was redacted.

7. I have reviewed all of the redactions within the documents listed in paragraph 6, above, and they have been narrowly redacted to only exclude information pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency that are currently used by OPD.

8. The remaining other four documents were all part of a single training. Those documents are titled (1) ACTIVE 2015 San Bernardino, (2)

ACTIVE 2015-2016, (3) ACTIVE IACP 581 2015, and (4) ACTIVE IACP 2015.

9. The document titled ACTIVE 2015 San Bernardino was created by a federal law enforcement agency with explicit instructions that the public dissemination of the document is prohibited, and that the document is for law enforcement use only.

10. The documents titled ACTIVE IACP 581 2015 and ACTIVE IACP 2015 will be released to the Petitioner without redactions.

11. The document titled ACTIVE 2015-2016 has been narrowly redacted to only exclude information pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency that are currently used by OPD.

12. A redacted copy of that document will be promptly provided to the Petitioner.

13. The detailed training video, titled 2015 OPD OFD Response to Active Shooter Video, contains a detailed demonstration of the City's plan to extricate a wounded individual from an active shooter scene. The video, in its entirety, consists of information pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency that are currently used by OPD.

14. A diligent search for any other policy, procedure, or protocol in effect on June 12, 2016 has been conducted, and none mention the term "active shooter" or "active assailant."

15. In an effort to interpret the Petitioner's request liberally, the versions of Policy and Procedures 1306, Guide for Hostage, Suicidal, and Barricaded Subjects and 1308, Major Incidents, that were in effect on June 12, 2016 were provided, unredacted, to the Petitioner.

16. Additionally, although OPD first adopted an active shooter/assailant policy (Policy and Procedure 1150.0, Active Assailant Response) on August 1, 2023, because it was directly related to the request, it was provided to the Petitioner.

17. A diligent search for any other training materials utilized by OPD between January 1, 2015 through June 12, 2016 has been conducted. This search included a search on the City's electronic training database, PowerDMS, the City's network training folder, and physical training record achieves.

18. Other than the documents listed above, no other OPD records have been discovered.

FURTHER AFFIANT SAYETH NOT.

Dated this 7th day of January, 2026.

Tanesha Braunskill

Tanesha Braunskill

The foregoing instrument was acknowledged before me this 7th day of January, 2026, by Tanesha Braunskill, who appeared before me in person and is __ personally known to me or __ who has produced law enforcement agency id as identification.

Signature of Notary

My Commission Expires: 11/1/2027

Mary-Elizabeth Liesenfelt

Print Name of Notary

(Notary Seal)

Notary Public State of Florida
Mary-Elizabeth Liesenfelt
My Commission HH 474050
Expires 11/1/2027

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

ZACHARY BLAIR, CASE NO. 2025-CA-011023-O

Plaintiff,
v.

CITY OF ORLANDO,

Defendant.
_____________________________/

AFFIDAVIT

STATE OF FLORIDA)

COUNTY OF ORANGE)

BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgments, personally appeared Shannon Keesey, who, after being duly sworn, deposes and says:

1. My name is Shannon Keesey. I am over the age of 18 and have personal knowledge of the facts contained in this Affidavit.
2. I am employed by the City of Orlando as the Executive Deputy Fire Chief for the Orlando Fire Department ("OFD").
3. As part of my duties with OFD, I have conducted a diligent search for all OFD active shooter/assailant protocols, policies, or training materials in effect on June 12, 2016.

4. OFD did not have any protocols or policies that mention the terms "active shooter" or "active assailant" that were in effect on June 12, 2016.

5. The two closest related policies were General Order ("GO") 2000-601-23, Guidelines for Response to Acts of Terrorism and GO 2001-610-12, Response to Scenes of Violence.

6. A "general order" ("GO") is a term used by OFD that indicates it is a general directive to all or part of OFD and is akin to a policy or procedure.

7. Those two GOs, GO 2000-601-23, Guidelines for Response to Acts of Terrorism and GO 2001-610-12, Response to Scenes of Violence, have been narrowly redacted to only exclude information pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency that will continue to be used for future emergencies, pursuant to section 119.071(2)(d).

8. A copy of those redacted records will be promptly released to the Petitioner.

9. A detailed search of OFD's training records has revealed one training video, jointly made with OPD, titled 2015 OPD OFD Response to Active Shooter Video contains a detailed demonstration of the City's plan to extricate a wounded individual from an active shooter scene.

10. The video, in its entirety, consists of information pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency that are currently used by OFD.

11. Other than the documents listed above, no other OFD records have been discovered that meet the parameters of this request.

FURTHER AFFIANT SAYETH NOT.

Dated this 6th day of January, 2026.

____
Shannon Keesey

The foregoing instrument was acknowledged before me this 6th day of January, 2026, by Shannon Keesey, who appeared before me in person and is X personally known to me or __ who has produced ________________________ as identification.

____
Signature of Notary

My Commission Expires:

Kimberly Avera
Print Name of Notary

(Notary Seal)

KIMBERLY L AVERA
Notary Public - State of Florida
Commission # HH 463713
My Comm. Expires Nov 13, 2027
Bonded through National Notary Assn.